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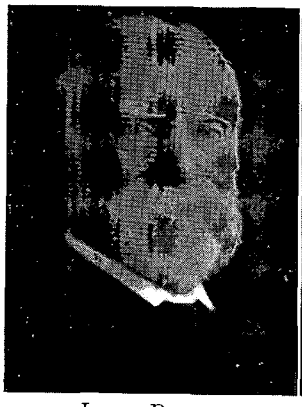

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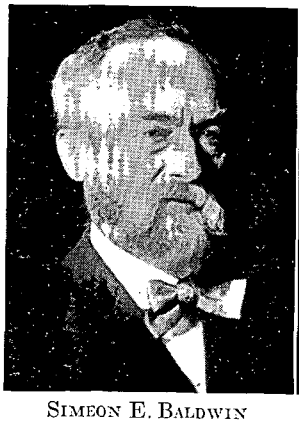

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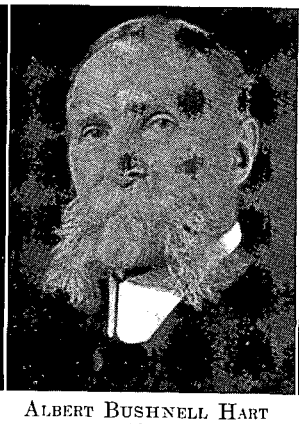

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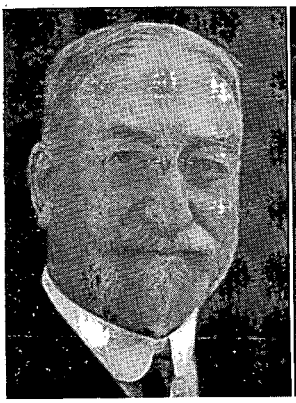

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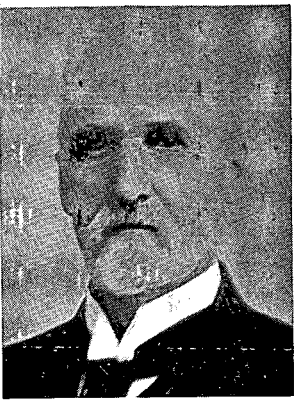

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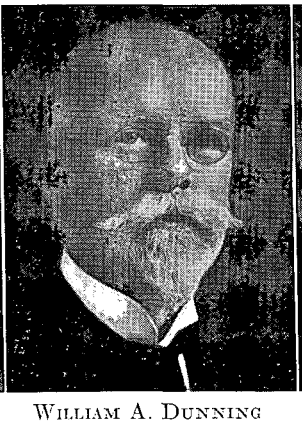

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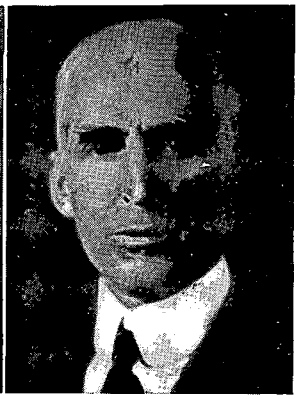

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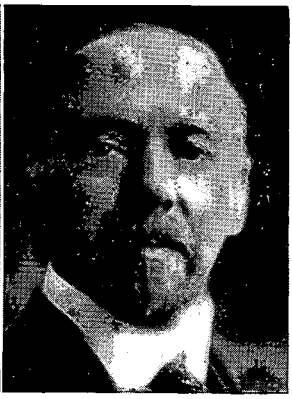

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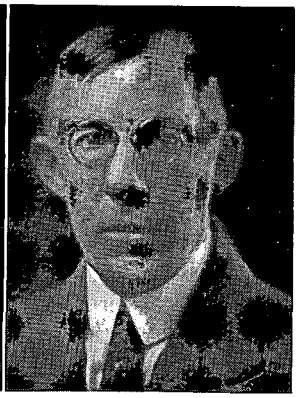

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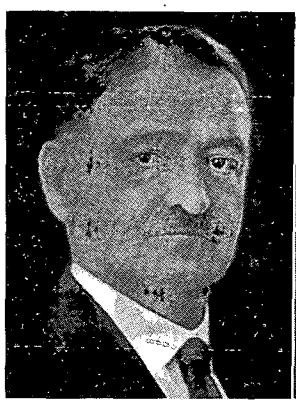

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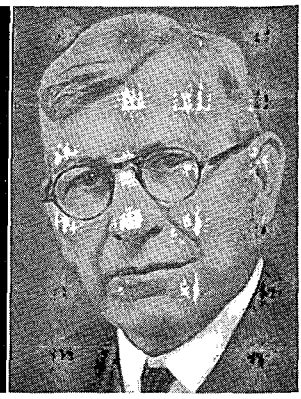

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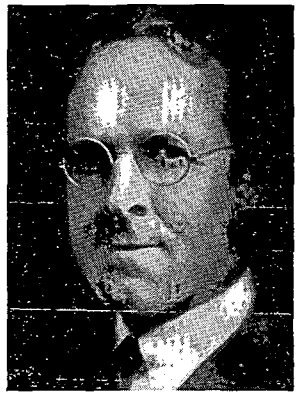

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THE POSITION OF THE NSDAP IN THE GERMAN CONSTITUTIONAL ORDER

ALFRED V. BOERNER
University of Michigan

Perhaps no country has ever constructed so elaborate and complicated a mechanism for correlating the political and economic requirements of its rulers as has Germany under Hitler. Under no other political system has the organization of all classes been pushed so close to its ultimate limit. Every conceivable aspect of life in the Third Reich has been closely scrutinized for its value to National Socialism and subjected to some form of official control. Because of the continual state of crisis in which the régime finds itself, both at home and abroad, this control has been expanded to an extent undreamed of in pre-Hitler Germany. To make it effective, there has been constructed a labyrinth of bureaus, agencies, and supervisory offices that is confusing and often incomprehensible to the foreign observer.

The task of rationalizing this complex system and justifying the tremendous exercise of authority it requires has been indeed a trying one for the German speculative genius. Seeming contradictions arising from the practical political necessities faced by National Socialism have not made it any easier. For example, the propaganda value of portraying the Third Reich as a bulwark against soviet tyranny has made necessary a complicated explanation of the difference between Russian "regimentation" and German "organization." Again, at the same time that the political security of the régime demands the abolition of the characteristic liberties of the competitive system, the economic power still wielded by the great capitalists in Germany obliges the National Socialists to retain that system's outward form. And need for the support of the masses has required the propagandization of an

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elaborate political doctrine touching on the mystic, which explains the exercise of supreme authority as the simultaneous expression of the will of the people and of the absolute power of their Führer.

But perhaps the aspect of the new German political order most difficult of classification is the position of the National Socialist party. In large part, this difficulty results from the bitter struggle of the party for power. The "fourteen long years" favored the construction of an *imperium in imperio* and the evolution of a political loyalty higher than that owed to the state. After the National Socialists took over control of the state, the effect of their earlier doctrines and the existence of a powerful and extensive political organization jealous of its independence exerted a great influence on the evolution of German political theory. The claim of the party to an independent position prevented an easy transition to the "total state." A restatement of political authority in terms of the omnipotent state was excluded by the axiom of supreme loyalty to the party. Reconciliation of these claims of the party with the requirements of an authoritarian system has thus rendered German constitutional theory necessarily complicated.

In the other two major authoritarian régimes, open admission or tacit assumption is made of the subordination of the party to the needs of the system. The *Partito Fascista* in Italy has been designated by legislative enactment as an organ of the state, that is, a definite part of the machinery of government. Only incidental provision has been made in Russia for the status of the Communist party. In Germany, on the contrary, an entire body of legislation and constitutional theory has been built up to support the claims of the National Socialist party to independence from the state. Broad spheres of public authority have been marked out for it. But it has not as yet been incorporated into the state machinery.

Despite the resulting dualism, there is no less actual centralization of political power in Germany than in Italy or Russia. Although the party is not an organ of the state, there is no less real control of it by the highest authorities of the state, who are at the same time party leaders. Indeed, the Hegelian ideal is nowhere closer to ultimate consummation than in the land of its spiritual progenitor. The position of Adolf Hitler, *Führer und Reichskanzler*, indicates governmental authority at a new level. Party and state at the apex of their hierarchies are completely fused in his person.

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Totality of political power in the Third Reich is accomplished in him.

The significance of this fact for party claims to independence are somewhat obscured in Germany by the separation of the state bureaucracy and the party organization. A variety of factors have contributed to this result: the *amour propre* of the party; the powerful influence of local party leaders; the need for a comparatively inexpensive corps of political agents to safeguard the régime in even the most isolated hamlet; and the political utility of an "élite" class, inculcated with a sense of superiority over the common mass and disciplined to instantaneous response to the will of its leaders.

Whatever its cause, this pointed organizational separation has tended to confuse the true relationship of party and state. A strong influence in this direction has been the pervasive force of traditional terminology. "State," especially as commonly used in Germany, has long connoted a particular kind of public authority, i.e., the governmental apparatus, the bureaucracy, and the army. A second organ of public authority, complementing this apparatus, exercising equally significant public functions, but subordinate to the state in a larger sense, i.e., to the whole order of which it is a part, is consequently difficult to conceive.

Yet the trend toward the creation of such an entity is noticeable in the development of the constitutional theory of the Third Reich. The higher unity of the new order, the state in the larger sense, is erected upon a carefully cultivated organizational and functional dualism. To insure that this dualism does not in practice lead to a friction destructive of the system, a constant process of adjustment and delimitation of authority between the two organizations is necessary. Although a definitive solution to the problem of party-state relationship has not yet been reached in Germany, the main lines of development are discernible, and may be traced with some certainty.

An examination of the history of the National Socialist party in the Third Reich discloses three general stages of development. In the first of these, the party undertook the conquest of power, assumed control of the government, and elevated itself to a commanding position in the new system. With the gradual subsidence of the revolutionary wave and the emergence of a new constitutional order, the outlines of the special position the party was to

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occupy became clearer. This was defined by various legislative acts during the second period. Finally, there is observable in the present stage a process of consolidation and detailed delineation of the extent of party functions and organization.

In the course of the first phase of development, from the appointment of Adolf Hitler to the chancellorship on January 30, 1933, until the passage of the "single-party law" on July 14 of the same year, the multi-party system of the Weimar Republic was utterly demolished. Largely by direct action of an illegal or extra-constitutional nature, the field of political activity was swept clear of all rivals to the NSDAP. One after another, the old parties were compelled to disband, or were forcibly dissolved and their property confiscated. Special party commissars were placed in public administrative bureaus, in banks, and in newspaper and business offices. Various aspects of economic, political, and social life were organized by the party, or if already organized were "coördinated" and placed under party control.[1]

In these first months, when the whole structure of public authority seemed to bow before the assault of National Socialism, an intimate coöperation between party and state was established. Public officials looked to the local party leader for guidance. Thousands of party leaders were appointed to state offices. Sometimes, as in the newly-created Propaganda Ministry, the personnel of individual party units was incorporated into the direct service of the state.[2] From these points of vantage were directed or encouraged the revolutionary measures demanded by the party, often making it impossible to distinguish between its action and that of the state. The National Socialist boast that the "party is the state" was to a large extent justified during this period.

As the process of destroying the Weimar state got under way, some legal provision was made for the part the NSDAP was to play. A liaison staff was created to facilitate the systematic execution of party plans as well as to control the more extreme elements

[1] A fairly objective description of the events of the first ten months of the Third Reich may be found in Fritz Poetzsch-Heffter, "Vom Deutschen Staatsleben, vom 30. Januar 1933 bis 31. Dezember 1933." *Jahrbuch des öffentlichen Rechts*, Vol. 22 (1935), pp. 2–272. A similar, but less objective, survey carrying developments to September, 1937, is made by Arnold Köttgen in the same journal, Vol. 24 (1937), pp. 1–165.

[2] The Ministry of Propaganda was created by decree of March 17, 1933. *Reichsgesetzblatt* (hereinafter cited *RGBl*), I, p. 104.

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within National Socialist ranks.[3] Through this, staff demands and complaints from party sources were routed to the highest state authorities for settlement. To discourage all opposition to National Socialism, a decree was issued laying heavy penalties upon unauthorized use of party insignia or uniforms and upon attacks on "members of the parties supporting the government of national regeneration."[4]

By this measure the party's claim to primacy received indirect legal recognition. A second indication of its new position appeared in the elevation of the swastika banner to an equal status with the national flag, now the restored black-white-red of the Empire.[5] Further evidence of its power was to be seen in the admission to cabinet meetings of Rudolf Hess, recently appointed Deputy Führer for Party Affairs.[6]

Notwithstanding this recognition of its *de facto* position, the authority of the NSDAP continued to rest upon a precarious foundation. Many of the measures taken to strengthen it were of a revolutionary character, justifiable, if at all, only by the right of a successful revolutionary movement to disregard the legal guarantees of the order it has overthrown. Even granting the constitutionality of the "enabling act" of March 24, 1933, which conferred broad legislative powers on the government, many of the steps taken were of doubtful legality.[7]

It was not until the summer of 1933 that the legal monopoly of the NSDAP of all organized political activity was formally proclaimed in the "single-party law" of July 14, which provided: (1) "The only political party in Germany is the National Socialist German Workers' party; (2) Anyone undertaking to maintain the organization of any other political party is to be punished with imprisonment in the penitentiary up to three years, or in jail from

[3] Poetzsch-Heffter, *op. cit.*, p. 100. Cf. also Gottfried Neesse, "Das Verhältnis von Partei und Staat nach fünf Jahren nationalsozialistischer Reichsführung," *Verwaltungsarchiv*, Vol. 40 (1938, no. 1), p. 45.

[4] Decree of March 22, 1933, *RGBl.*, I, p. 723.

[5] Ordinance of March 12, 1933, *RGBl.*, I, p. 133.

[6] Hess was appointed Deputy Führer for the party on April 20. The cabinet voted to admit him to its sittings on June 29, 1933. Cf. *Völkischer Beobachter*, April 21 and June 30, 1933.

[7] The "Enabling Act" of March 24, 1933, *RGBl.*, I, p. 141, permitted the cabinet to depart from constitutional forms in enacting legislation. But many of the measures taken by and for the party did not fall under any of the legislation issued.

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six months to three years, in so far as the act is not subject to a more severe penalty under other provisions."[8]

This act has effectively abolished all possibility of organized opposition to the government. Under its terms, correspondence "in the spirit of a former party" has been punished.[9] Any effort "to maintain the ties binding ex-members" of such a group is illegal.[10] Indeed, its penalties have been evoked for merely extending financial assistance to such former party comrades, either by giving or collecting funds for them.[11] The old party ideologies may not even be defended.[12] Simply attempting to do any of these things may lead to imprisonment.[13] There is only one political loyalty and one political ideology in the new Reich: National Socialism.

A second phase in the development of party-state relations begins with the passage of this "single-party law." Hitherto the party had been, at least in theory, merely one of several political organizations, *par inter pares*, its legal form that of a registered association of private law. Henceforth it was assured of an exclusive and unique position in the field of political activity.

It was now also evident that the NSDAP was no longer a party in the old sense of the word. "Party" by derivation signifies a part, a fraction, a division of the whole. It connotes a complex of organized groups competing for political control. Such a concept is hardly in keeping with National Socialist claims to totality, at least of political ideology. If used at all, the term had henceforth to be understood in a special sense, distinct from all traditional connotations.

With the passing of the old order, the need for an equilibrium between party and state also became more pressing. Once the revolution had been liquidated, an uncontrolled intervention by the

[8] *RGBl.*, I, p. 479.

[9] Cf. the decision of the *Reichsgericht* of Jan. 29, 1937, *Deutsche Justiz*, Vol. 99 (1937), p. 465.

[10] Decision of the *Reichsgericht*, Jan. 23, 1934, *Entscheidungen des Reichsgerichts in Strafsachen* (hereinafter cited *RG Straf.*), Vol. 68 (1934), p. 17.

[11] Cf. the decisions of the *Reichsgericht* of Oct. 18, 1934, Jan. 18, 1935, March 31, 1936, and Jan. 29, 1937, cited in *Deutsche Justiz*, Vol. 99 (1937), p. 465.

[12] *Reichsgericht*, Oct. 29, 1934, *Höchstrichterliche Rechtsprechung*, Vol. 11 (1935), no. 566.

[13] On April 24, 1934, Section 87 of the Penal Code was changed to read: "Unternehmen im Sinne des Strafgesetzbuches ist die Vollendung und auch der Versuch." *RGBl.*, I, p. 341. Section 2 of the "single-party law" begins: "Wer es unternimmt. . . ."

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party in normal state functions would obstruct rather than aid the smooth operation of the National Socialist system. The state, now properly directed, must be obeyed. Political considerations prevented a simple subordination of the party to the state. But clearly two absolutes could not exist within the same order. The attempt to solve the dilemma thus posed resulted in an ingenious compromise.

On December 1, 1933, by the "law for safeguarding the unity of party and state," the NSDAP was made a corporation of public law.[14] Its constitution was to be issued *by the leader of the party*. The legal force of the disciplinary jurisdiction exercised by the party courts was affirmed. The Deputy Führer and the Chief of Staff of the SA (Storm Troops) were made members of the cabinet with the rank of ministers. Regulations for carrying the law into effect were to be issued by the Chancellor in his capacity as *head of the party and commander-in-chief of the SA*.

From a purely juristic point of view, this act represented an advance for the party. But for a movement that had just completed a successful revolution, its new status seemed hardly adequate to the dignity of its actual authority. The corporation of public law was the legal form used in the past for certain municipalities, religious associations, universities, the *Reichsbahn*, and similar bodies. It had been created to enable such organizations to exercise greater coercive authority over their members than could the ordinary private law associations. All such bodies were under state supervision, representing small sections of the public administration.[15]

It was feared in party quarters that this law presaged the absorption of the party into the state and the end of its prided autonomy.[16] This apprehension was supported by the inclusion of the Deputy Führer and the SA Chief of Staff in the cabinet. In the official commentary on the law, the party was also described as having been "built into the state." But in the face of misgivings of

[14] *RGBl.*, I, p. 1061.

[15] The concept "corporation of public law" is not altogether free from dispute in the German legal literature. Cf. Edmund Jess, *Die Körperschaften des öffentlichen Rechts im heutigen Staat* (Göttingen, 1935), pp. 3–5; Walter Jellinek, *Verwaltungsnecht* (Berlin, 1928), pp. 161–167, and Heinrich Rosin, *Das Recht der öffentlichen Genossenschaften* (Freiburg, 1886), *passim*.

[16] See, for example, the discussion by Hermann Reuss in "Partei und Staat," *Beamten-Jahrbuch*, Vol. 23 (1936), p. 350.

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lower party leaders, official reassurances were forthcoming. Hitler himself took occasion at the next party congress to declare: "It is not the state that commands the party, but the party that commands the state."[17]

Whatever esoteric significance this statement might have for the initiated, it was clear that the period of direct and general intervention by party officials was at an end. Party leaders hastened to explain that this "command of the state" was to take place only by way of "responsible party leaders" who were placed in the highest state positions to safeguard the interests of the party.[18] But this "command" was chimerical. The party prides itself on its complete submission to the will of its Führer. Its commands are his commands. It is difficult to imagine him as head of the state unwillingly accepting the "commands" of the party. What had occurred was a complete fusion of party and state at the highest level of authority. The degree of party competency would thenceforth be determined from this level. An organizational separation of party and state administration was to be maintained. By command of the Führer, each was to respect the other's jurisdiction. But it was the voice of the higher entity, the state in the larger sense, that spoke.[19]

Although the problem of delimiting the spheres of authority of the two organizations still persisted, the outlines of the solution were gradually clarified. The state was to carry on traditional governmental functions, necessarily somewhat expanded in the interests of the whole system. To the party were assigned special tasks required by the new *Weltanschauung*. It was to guarantee the permanency of the National Socialist order by organizing the whole of German life in its spirit. It was to educate all classes to a true appreciation of the new doctrines. It was to maintain a constant vigil against political opposition.[20]

The accomplishment of these tasks required the construction of a unified organization, readily manipulated by its leaders and a

[17] This speech is reprinted in full in Gottfried Neesse, *Die Nationalsozialistische Deutsche Arbeiterpartei* (Stuttgart, 1935), pp. 194–197.

[18] Cf. Freiherr Max du Prel, in "Partei und Staat," *Deutsches Recht*, Vol. 4 (1934), pp. 429–431, and "Vom Parteienstaat zum Staat der Partei," *Juristische Wochenschrift*, Vol. 63 (1934), pp. 2291–2294.

[19] Hitler's speech at the 1935 party congress is illuminating in any discussion of the respective competencies of party and state. This is published in the *Völkischer Beobachter*, Sept. 17, 1935. [20] *Ibid.*

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detailed demarcation of the limits of party authority. Since the end of 1933, the development of the constitutional position of the NSDAP has been marked by these two general characteristics.

Although the first year of National Socialism witnessed a frenzy of organization, the structure of the NSDAP did not take on definitive legal form until 1935. Because of the confusing variety of meanings in which the term "party" was used, even the "unity law" of December 1, 1933, did not lead immediately to a clarification of the legal position of the various National Socialist organizations. The corporation of public law created might include merely the registered party membership; it might extend to the older party units like the Hitler Youth and the Women's League; or it might encompass all bodies under party direction, of whatever class or description, such as the German Labor Front and the Agricultural Estate.[21]

A particular confusion existed with respect to the SA, then including the SS (Élite Guard) and the NSKK (Motor Corps). The "unity law" had made special provision for the admission of the Chief of Staff into the cabinet, along with the Deputy Führer, and for party *and SA* disciplinary jurisdiction.[22] Under the leadership of the ambitious Chief of Staff, Captain Roehm, the SA bade fair to make itself a special element in the problem of party-state relations.

The following year, as a result of the events of the "blood purge" of June 30, 1934, the special status of the SA was brought to an end. The Chief of Staff was removed from the cabinet and the SS and NSKK were raised to the position of independent units.[23] Nevertheless, a uniform pattern of organization was still lacking.

An ordinance of the Party Treasurer, Franz Schwarz, had provided in March, 1934, that the party proper and its "subdivisions" should be considered as a single legal personality in all financial matters.[24] However, many party units had been created as "subsidiary," "coöordinate," or "independent" bodies, and did not seem to fall within the scope of the ordinance. Another order of

[21] See Gottfried Neesse, "Die Rechtsnatur der NSDAP," *Zeitschrift für die gesamte Staatswissenschaft*, Vol. 95 (1934–1935), pp. 712–716.

[22] Secs. 2 and 3.

[23] Cf. the law of July 3, 1934, *RGBl.*, I, p. 529, and the ordinance of July 20, 1934. *Verordnungsblatt der Reichsleitung der NSDAP*, 1934. Series 77, p. 179.

[24] Quoted in Neesse, "*Die Rechtsnatur . . .*," p. 716.

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the National Organization Leader, Robert Ley, substituting the term "division" for the variety of designations then applying to these organizations, helped, but did not entirely clarify the problem of intra-party organization and of the legal extent of the public law corporation.[25]

Meanwhile the courts, faced with the necessity of applying legislation affecting the NSDAP, began to distinguish between "integral" and "associated" party units. The former enjoyed all the rights and legal safeguards conferred upon the NSDAP in general terms. For the latter, special dispensation was necessary. Only those organizations intimately connected with the central core of party membership were to be considered part of the corporation of public law. Others, although they might be affiliated with the party, and "to a considerable extent interwoven with it," were not legally part of it.[26]

On these lines, the problem of organization was finally worked out. The definitive solution was foreshadowed in a law of December 20, 1934.[27] This provided protection for the leaders, insignia, and uniforms of the party, its "divisions," and its "associated organizations." In an accompanying official announcement, the units in the last two categories were specified. Subsequently, on March 29, 1935, a unified system of organization was created and the extent of the corporation defined.[28] The distinction between "party," "division," and "associated organization" was retained and clarified.

Under the terms of this reorganization, the corporation of public law included the party and its divisions. It was to be their sole legal personality.[29] As divisions were designated the SA, SS, Hitler Youth, National Socialist Women's League, and National Socialist German Students' League.[30] In this inclusive sense, the term "party" is used here. As associated organizations were listed the German Labor Front, National Socialist Lawyers' League, National Socialist Teachers' League, National Socialist Peoples' Welfare Association, National Socialist Organization for War Casualties, National Socialist Physicians' League, and the National

[25] *Ibid.*

[26] Decision of the *Reichsarbeitsgericht*, July 26, 1934. *Juristische Wochenschrift*, Vol. 61 (1934), p. 2423. [27] *RGBl.*, I, p. 1269. Cf. also Neesse, *op. cit.*, p. 717.

[28] Decree of March 29, 1935. *RGBl.*, I, p. 502.

[29] *Ibid.*, Sec. 4. [30] *Ibid.*, Sec. 2.

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League of German Officials.[31] In December, 1935, the National Socialist University Instructors' League was added to the divisions.[32] A few alterations in nomenclature have since been introduced, but no important changes in organization have been made since that time.[33]

The matter of intra-party relationships seems now to be comprehensively regulated. The corporation of public law is a single legal entity, representing its entire membership in all financial matters. It enjoys, as a whole, all of the privileges and legal protections conferred in general terms upon the NSDAP. Each of its subdivisions has its own organization, headed by a party officer responsible in political matters to the Deputy Führer, and ultimately to Hitler himself. The Deputy Führer acts as a party chancellor, directing the party cabinet (*Reichsleitung*), made up of the heads of the divisions and other high party officers.[34] Financial control is centralized in the Party Treasurer, who draws up the budget for the entire corporation. Each of the subordinate treasurers is directly responsible to him in financial matters; he is similarly responsible only to Hitler himself.[35]

Usually in the form of registered associations, the associated organizations have their own legal personalities.[36] They are effectively controlled by being required to submit their budgets to the Party Treasurer's approval, and by an ingenious system of personal union of their chief offices with party bureaus.[37] Whatever their real power as pressure groups, they play no direct part in the problem being considered. Except as special provision is made in individual instances, they have the same status as other registered associations, and need not be treated further here.

While this general reorganization settled some of the problems

[31] *Ibid.*, Sec. 3. [32] Ordinance of Dec. 5, 1935. *RGBl.*, I, p. 1523.

[33] *Ibid.* Cf. also the ordinance of Jan. 12, 1938. *RGBl.*, I, p. 36. By a decree of April 17, 1937, *RGBl.*, I, p. 529, the German Airsport Club was given some of the privileges of a party division, but was not incorporated into the party.

[34] The *Reichsleiter* are listed in the *Nationalsozialistisches Jahrbuch*, 1937, p. 148. Cf. also Robert Ley, *Das Organisationsbuch der NSDAP* (München, 1938), *passim*, for full descriptions of the party organization and of the individual offices.

[35] See the ordinance of the Party Treasurer of April 29, 1935, *RGBl.*, I, p. 583, which regulates the financial relations of the party. This was slightly modified by an ordinance of Aug. 31, 1937. *RGBl.*, I, p. 442.

[36] All but two are now registered associations. On their legal status, see Haidn und Fischer, *Das Recht der NSDAP* (München, 1937), pp. 75–79, and *passim*.

[37] Cf. *NS Jahrbuch*, 1937, pp. 165–166, and *Organisationsbuch*, pp. 185–283.

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of the structure of the corporation of public law, the necessity for clarifying its constitutional status remained. From the beginning, party leaders insisted that the "unity law" did not in any way affect the independence of the party. Its designation as a corporation of public law was merely a declarative act. The NSDAP had made its own place in the Third Reich; it was not a creature of the state. Legislative acts by the state had only the result of making clear the extent of the authority the party had decided to assume; the party remained the sole judge of its competency. Its position was coördinate with that of the state, symbolized in the equality of the swastika and the national flag.[38]

A basis for these contentions could be found in the "unity law" itself. Section 8 provides that the Chancellor "as Führer of the NSDAP and commander-in-chief of the SA," that is, in his party capacity, was to issue all supplementary regulations. Section 1 also gave the Führer a free hand in issuing the constitution of the corporation. The party's right to exercise a disciplinary jurisdiction over its members, even to the extent of fine and arrest, was acknowledged in section 5. There appears thus to have been a clear intention to maintain a separate legal system for the party.

Practice has tended to confirm this institutional separation. The first ordinances issued under the terms of the "unity law" were officially published merely in party organs. The reorganization decree of March 29, 1935, appeared in the *Reichsgesetzblatt*, and provided that all ordinances effecting major changes in organization or financial relationships should also be published there.[39] But all other party orders continue to appear merely in party publications.

The constitution provided for in the "unity law" has not yet been issued. That the party is not simply to be assimilated to the status of other corporations of public law, is, however, clearly evident from numerous legislative acts. For example, a law of March 24, 1934, "for the raising of purchasing power" expressly excludes the NSDAP from the financial supervision over corporations of public law conferred by it upon the Minister of Finance.[40] Exception is made also for the party in the law of November 5,

[38] The final settlement of the flag issue was made in the law of Sept. 15, 1935. *RGBl.*, I, p. 1145. The decrees issued under this law are given in Werner Hoche, *Die Gesetzgebung des Kabinetts Hitler*, Vol. 15 (1935), pp. 59–63.

[39] Sec. 8. [40] *RGBl.*, I, p. 253. Cf. Sec. 7.

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1934, which regulates public collections of money.[41] In an executory ordinance issued by the Party Treasurer, it is provided that violations of this act are to be punished "according to both party and state law."[42] Section 154 of the German Civil Service Act of January 26, 1937, in the article defining the status of "indirect national officials," also provides: "The Führer issues regulations for the NSDAP as a corporation of public law."[43]

In addition, other legislation expressly confers upon the party legal safeguards and privileges similar to those enjoyed by the state. Not only has the NSDAP been freed to the same extent as the Reich from the payment of court fees, land taxes, and license charges of various kinds, and accorded reductions on the *Reichsbahn*,[44] but it has also been given a special position in penal law. By an act of December 20, 1934, a blanket protection is thrown about the leaders, insignia, and uniforms of the party.[45] Heavy punishment is provided for circulation of statements of "an untrue or grossly distorted nature" about the party. This may apply even to correspondence or conversation of a confidential nature.[46] A subsequent alteration of the penal code extends this protection to cover statements merely "tending to discredit the NSDAP."[47] And since the passage of the law of October 13, 1933, "for the maintenance of the public peace" attempts against the life of party officials and SS or SA men also carry the death penalty.[48]

Uniforms, emblems, insignia, and symbols of the NSDAP, as well as any objects which might be easily taken for such, may not be used, worn, bought, sold, or fabricated without previous permission of the Party Treasurer.[49] There is thus reserved to the party

[41] *RGBl.*, I, p. 1086.

[42] Sec. 8 of the ordinance of Nov. 11, 1935. *RGBl.*, I, p. 907.

[43] *RGBl.*, I, pp. 39–70. A translation of this act is to be found in James K. Pollock and Alfred V. Boerner, *The German Civil Service Act* (Chicago, 1938).

[44] A list of the privileges enjoyed by the party would take up several pages. The most important of them are to be found in the Land and Building Tax Act of April 15, 1935, *RGBl.*, I, p. 508, the decree altering the Court Fees Act of March 27, 1936, *RGBl.*, I, p. 319, and in the various decrees and ordinances reprinted in Haidn und Fischer, pp. 375–496.

[45] *RGBl.*, I, p. 1269.

[46] Cf. the decision of the *Reichsgericht* of Jan. 16, 1934, *Deutsche Justiz*, Vol. 95 (1934), p. 710, in which the term "circulation" as used in the act superseded by the definitive law was construed to apply to a confidential communication.

[47] Cf. the law changing the penal code, enacted June 28, 1935. *RGBl.*, I, p. 839.

[48] *RGBl.*, I, p. 723.

[49] Law of Dec. 20, 1934, Sec. 5, par. 1–3. Cf. also the decisions of the *Reichsgericht* of April 24, 1934. *RG Straf.*, Vol. 67 (1934), p. 158; of the *Oberlandesgericht*

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whatever material advantage might be derived from commerce in everything from motorcycle helmets to radiator placards which is considered official party equipment.

Anyone falsely claiming party membership is also subject to imprisonment.[50] Even the use of designations applied by the NSDAP or its associated organizations, such as *Gauleiter*, *Sturmführer*, etc., is prohibited to everyone else.[51]

Party secrets are hedged about with the same legal protection as state secrets. Without previous permission from his proper superior, no party member may divulge information of a confidential nature, even before a court when under oath.[52] It should be noted also that the party courts are now empowered to administer a legally binding oath to witnesses before them, members and non-members alike.[53] Finally, party leaders point out that its interests are permanently secured by the position of its Führer as head of the state.

All this evidence would seem to substantiate the claim of the party to a separate system, coördinate with that of the Reich. Before the facts adduced can be seen in their proper perspective, however, it is necessary to examine another aspect of the party-state relationship, i.e., the coördination of the activity of both entities.

Among the myriad channels of interaction between the two should be mentioned first the liaison staff of the Deputy Führer, Section I of the Ministry of the Interior, and the innumerable other party and state offices whose chief task consists in transmitting or ascertaining the National Socialist attitude toward every conceivable type of administrative act.[54] Through these offices, a

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Dresden, Dec. 20, 1933, *Deutsche Justiz*, Vol. 96 (1934), p. 358; and of the *Bayerisches Oberlandesgericht*, cited in *Deutsche Juristen-Zeitung*, Vol. 39 (1934), p. 1094, no. 186. For a list of the objects and persons covered by the law, see the ordinances published in the *RGBl.*, I, 1935, at pages 70, 204, 276, and 387.

[50] Sec. 4 of the law of Dec. 20, 1934.

[51] Law of April 7, 1937. *RGBl.*, I, p. 442.

[52] Law of Dec. 1, 1936. *RGBl.*, I, p. 994. For the type of information considered confidential, and the party officers empowered to grant permission, see the ordinances of the Deputy Führer of Dec. 2, 1936, *RGBl.*, I, p. 997, and Dec. 1, 1936. *Deutsche Justiz*, Vol. 98 (1936), p. 1834.

[53] Law of Sept. 30, 1936. *RGBl.*, I, p. 853. The rules for the administration of the oath are contained in an ordinance of the Chief Party Judge, published in *Der Parteirichter*, issue of November 10, 1938. Cf. also the decision of the *Reichsgericht* of March 14, 1938, *RG Straf.*, Vol. 72 (1938), p. 129.

[54] Cf. Neesse *Das Verhältnis von Partei und Staat* . . . p. 45.

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constant, day-by-day adjustment of differences in detail is made possible. It is likely that without their aid an obstructive friction could develop which would prevent any continuous functioning of the system.

A second means of enhancing party-state coöperation appears in the practice of combining offices of both in personal union. A genuine union occurs when similar functions carried on in the two organizations are directed by the same person, acting separately in each capacity. While the practice can hardly be said to have reached the proportions of a system, care has been taken to accomplish such union in some important fields of activity.

Many of the members of the cabinet hold similar positions in the *Reichsleitung* of the party. As examples might be cited the Propaganda Minister, Josef Goebbels, who is Party Propaganda Director, and Walter Darré, director of the party Bureau of Agriculture, who also heads the Ministry of Agriculture. Most of the party district leaders (*Gauleiter*) have been appointed national governors or Prussian provincial presidents for the states or provinces corresponding to their districts.[55] Thousands of party officers and ordinary members, particularly the "old fighters," have been given civil service positions. But in most cases a true union of offices has not thereby been effected.

In addition to these instances where influence can flow indirectly, or even unofficially, from the one organization to the other (*Tuchfühlungs- und Nahtstellen*, Neesse characterizes them),[56] powers have been conferred upon party functionaries in several cases which enable them to effect a direct and immediate coördination. Three general methods of accomplishing this result may be observed: (a) a party officer may be empowered to check state action in the interests of the party, acting as a party organ; (b) authority of the two organizations in a particular field may be fused in a single office and an institutional or *real union* created; or (c) a party unit may be clothed with state authority and entrusted with a portion of the public administration, remaining none the less a party organization. In effect, of course, all these methods illustrate merely variations of the essential unity of party and state at particular points of contact.

[55] All but two of the national governors, and all but three of the *Oberpräsidenten*, are district leaders. Many of the district leaders in Bavaria and Austria (now the *Ostmark*) have corresponding offices. [56] Neesse, *op. cit.*, p. 45.

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Perhaps the most significant example of a party officer exercising a control of state activities is the Deputy Führer, Rudolf Hess. As Hitler's representative for party affairs, he is a member of the cabinet.[57] He has no state administrative department to direct; his field is the party. The protection of its interests is his sole function.[58] To enable him to accomplish this task, extensive authority has been conferred upon him. All legislation must be laid before him in draft form and receive his approval.[59] For the issuance of many types of decrees, he must take joint responsibility; other ordinances may be issued under his signature alone.[60] All nominations to positions in the civil service reserved for Hitler's personal dispensation are referred to him for investigation and recommendation.[61] Although he has the status of a minister, German authorities are agreed that he performs these functions as a party leader.[62] Even his staff of specialists, on whom most of the actual work falls, forms a part of the administrative organization of the NSDAP and is listed as a party unit in official publications.[63]

A similar position in the local political field is held by the Party Representative for Municipal Affairs.[64] He is a party officer, usually the *Kreisleiter*, appointed for each commune (*Gemeinde*) by the district leader.[65] His function is to insure protection of party interests in municipal matters. He assists in drafting the municipal charter, which must receive his approval in its final form. The mayor is nominated by him to the appointing authorities; his recommendations for municipal councillors are binding on the mayor. Honorary titles and citizenship may be granted only with

[57] "Unity law," Sec. 2.

[58] Cf. the article by Walter Sommer (director of the Legal Bureau in the Deputy Führer's Staff), "Partei und Staat," *Deutsche Juristen-Zeitung*, Vol. 42 (1936), pp. 593–597.

[59] See Hitler's ordinance of April 25, 1934, *Völkischer Beobachter*, April 28, 1934, and that of April 6, 1935, cited in Haidn und Fischer, p. 59.

[60] A list of these can be found in Arnold Köttgen, "Vom Deutschen Staatsleben . . . ," *Jahrbuch des öffentlichen Rechts*, Vol. 24 (1937), p. 61.

[61] Ordinances of Jan. 30, 1935, *RGBl.*, I, p. 49; and July 10, 1937, *RGBl.*, I, p. 769.

[62] Cf. Heinrich Muth, "Die rechtliche Stellung des Stellvertreters des Führers," *Deutsches Recht*, Vol. 5 (1935), pp. 300–304.

[63] *Organisationsbuch*, p. 152. See also Haidn und Fischer, p. 60.

[64] Secs. 6, 33, 41, 50, 51, 54, 117, and 118 of the German Municipal Code of January 30, 1935. *RGBl.*, I, p. 49.

[65] See the ordinances of the Deputy Führer concerning the appointment and functions of the Party Representative, consolidated in *Nationalsozialistische Gemeinde*, No. 20, 1936, p. 642.

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his permission. In all these matters he acts as a party official, responsible only to his superiors in the NSDAP.

Creation of a *real union* of party and state office, a second type of coördination, is to be seen in the field of police administration. The office of National Leader of the SS and Chief of the German Police, as its title indicates, represents a fusion of authority.[66] Heinrich Himmler, the present incumbent, thus functions at the same time as a party and a state official. A nominal separation of organization is maintained, but all key positions are linked in personal union, and all police power in Germany is concentrated in this office. The strategical importance of this concentration for suppressing opposition, from whatever source, needs no comment. Although nominally a subordinate of the Minister of the Interior, Himmler, like the Deputy Führer, Hess, is responsible only to Hitler himself.[67]

The Chief of the Foreign Organization in the Foreign Office illustrates a similar type of party-state relationship.[68] This office is merged with that of Leader of the Foreign Organization of the NSDAP. Unlike the above case, however, where a party unit was joined to an existing state institution, the creation of the new state office would seem to indicate a transfer to it of some of the functions hitherto performed by the party.

A third characteristic development of the party-state relationship occurs in the case of the Hitler Youth. Here a party unit is entrusted with a branch of public authority. By an act of December 1, 1936, the National Youth Leader of the NSDAP was given the status of a national department head (*oberste Reichsbehörde*), and empowered to direct all education and training of German Youth outside the school and family.[69] While the inner relationships and discipline of the Hitler Youth conform to the standards set by the party itself, that is, are subject to its law, the administrative organization of the body is endowed with state authority. Its functions, like those of the schools, are of a public nature, guarded by the penal laws of the state.[70]

[66] This position was created by executive order on June 17, 1936. *RGBl.*, I, p. 487.

[67] For his department he exercises ministerial functions. See the ordinance of the Minister of the Interior of May 29, 1937. *Deutsche Justiz*, Vol. 99 (1937), p. 836.

[68] Cf. the ordinance of Jan. 30, 1937. *RGBl.*, I, p. 187.

[69] *RGBl.*, I, p. 993. On the Hitler Youth in general, see Gottfried Neesse, *Die Reichsjugendführung.* Die Verwaltungsakademie, Vol. 1, no. 8a (Berlin, 1937), *passim.*

[70] Cf. Köttgen, *Vom Deutschen Staatsleben . . .*, p. 58.

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Crowning the whole structure stands the Führer, supreme leader of the party, highest officer of the state. By law of August 4, 1934, he is Führer und Reichskanzler.[71] So completely is all authority merged in him that it is difficult to determine always when he is acting in one or the other capacity. But his power in both organizations has in practice been delegated to the Deputy Führer and Party Treasurer where the party is concerned and to the individual ministers in the case of the state. It is below him that the problem of party-state relations arises. With him there is no problem. He rules both party and state.

When this evidence on the constitutional position of the NSDAP is weighed, it might seem that an insurmountable dilemma presents itself. On the one hand, the party, although possessed of important public functions, may be conceived as independent of—or indeed, as its extreme partisans would claim, superior to—the state. Then the body of legal doctrine applying to the state, developed by the German jurisprudence of the last two centuries, does not affect the party. The particular legislative acts of the Third Reich which refer to its status have only a declarative value. On the other hand, it may be held that the party has been, at least to a large extent, drawn into the service of the state, and is in reality bound by the state's authority and laws. Either position would be contradicted in part by the evidence already introduced.

However, the dilemma is only apparent. A third possibility exists. Both party and state may be coördinate entities, exercising equally important functions of public administration, intimately connected at some points of contact, fused in a higher unity. Alike in many respects, they may be equally appropriate subjects of traditional concepts of law in some fields. In others, where their functions and organization differ, it may be necessary to develop a new body of legal doctrine to insure the party of comparable treatment with the state.

This is the course which the evolution of the party's constitutional position has taken in Germany. As has already been indicated, the independence of the party *vis-a-vis* the state has been recognized in fact and law. It is provided with a means to make

[71] *RGBl.*, I, p. 747. In his final speech at the 1935 party congress, Hitler indicated that this law will continue to apply to any new head of the party. He said: "After the proclamation of the Führer, he is master of the party, head of the Reich, and commander-in-chief of the army."

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effective its influence on the state. But it has not been absorbed into the traditional machinery of public administration. This is clear from the numerous declarations of prominent National Socialists, from the special legislation enacted for it, and from the decisions of the courts.

The Prussian Chamber of Conflicts (*Kompetenzgerichtshof*) has stated this view very succinctly. In a decision denying the *Gauleiter* and *Oberpräsident* of East Prussia, acting in his party capacity, the right to remove a cause from the regular courts by "raising the conflict," it declared: " 'Administrative departments' and 'administrative courts' in the sense of Section 17 I of the Judiciary Act are only the institutions created for and serving the machinery of state administration of a particular *Land;* the administrative courts and departments of another *Land*, of the *Reich*, and, above all, of the Party, must be separated and distinguished from them."[72]

In keeping with the doctrine of party independence, the courts have refused also to entertain claims involving intra-party labor relations,[73] party court judgments,[74] and "political decisions" of party officers.[75] They have declined to issue restraining injunctions against officials of the NSDAP in such matters as circulation of false information and public insult.[76] Even in instances of misuse of party insignia and uniforms, some courts have hesitated to apply the prescribed penalties where party members were the violators.[77] The party courts, they contended, were competent.

The seal of approval has been placed on this formulation of party independence by the German Supreme Court (*Reichsgericht*). In a decision of June 17, 1935, it said: "The party has not been merged with the state . . . It continues to exist alongside the state . . .

[72] Decision of June 27, 1936. *Reichsverwaltungsblatt*, Vol. 57 (1936), p. 862.

[73] *Arbeitsgericht Bielefeld*, reported in the *Völkischer Beobachter*, Jan. 15, 1936.

[74] Decision of the 5th Civil Chamber of the *Landgericht München*, of Dec. 16, 1935, cited in Haidn und Fischer, p. 70.

[75] *Arbeitsgericht Gelsenkirchen*, Jan. 27, 1937. *Deutsche Justiz*, Vol. 99 (1937), p. 1471. *Kammergericht* decision of March 22, 1935, *ibid.*, Vol. 97 (1935), p. 686.

[76] Cf. the decisions of the *Landgericht Hagen*, Oct. 9, 1935, *Juristische Wochenschrift*, Vol. 64 (1935), p. 3210, and of the *Oberlandesgericht Düsseldorf*, July 10. 1935, *Deutsche Juristen-Zeitung*, Vol. 40 (1935), p. 1123.

[77] *Sondergericht Hannover*, Jan. 25, 1934, and *Sondergericht Halle*, Feb. 20, 1934, reported in *Deutsche Justiz*, Vol. 96 (1934), p. 452.

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The party does not derive its functions from the authority of the state."[78]

Nevertheless, the courts have recognized that the close association of party and state, as well as the party's task as educator and organizer of German life, infuses it with a public character. Even where special legislative provision has not been made, judicial construction has conferred upon the party in numerous instances a position analogous to that of the state.

This is particularly true in the field of penal law. There is evident here a tendency for the courts to broaden the term "public official," in the sense of the penal code, to include party officers. The law of June 28, 1935, permitting punishment by analogy has offered one means of doing this. But this is not altogether satisfactory to party zealots, who demand recognition of the party's independent right to equality of protection with the state.[79] In several cases the Supreme Court has been willing to pay lip service to this doctrine while in reality basing its decision on a state legislative enactment. For example, in a case decided December 9, 1936, although denying that a district leader was to be considered a public official in the penal sense in June, 1933, the court said: "The NSDAP, *since the law of December 1, 1933*, is the leading and directing force of the state, as such is indissolubly connected with the state, and accordingly its offices, like those of the state, exercise public functions by their own right."[80] A similar point of view was stated in a decision of January 4, 1936.[81]

In line with this interpretation, party courts have been held to be "public courts";[82] false information given to party bureaus has

[78] *RG Straf.*, Vol. 69 (1936), p. 231. In this case, the court held that a party officer could not be held punishable for misuse of a public office. The decision evoked a storm of protest. Cf., for example, Reuss, "Partei und Staat," *Juristische Wochenschrift*, Vol. 64 (1935), pp. 2314–2320.

[79] *RGBl.*, I, p. 839. See also Anton Lingg, "Die rechtliche Stellung der NSDAP," *Deutsches Recht*, Vol. 6 (1936), pp. 28–34.

[80] *Deutsche Justiz*, Vol. 99 (1936) p. 356.

[81] *Deutsches Strafrecht*, 1937, p. 106. Cf. also the statement of the *Oberlandesgericht Dresden*, Oct. 17, 1935: "The NSDAP does not get its powers from the state. The powers, activity, and organization of the NSDAP are of no less a public nature than the powers, activities, and organization of the state departments." *Deutsche Juristen-Zeitung*, Vol. 40 (1935), p. 1311.

[82] *Reichsgericht*, decision of June 14, 1937, *RG Straf.*, Vol. 71 (1938), p. 265. But see the decision of the *Reichsgericht* of Sept. 29, 1936, published in the *Juristische Wochenschrift*, Vol. 65 (1936), p. 3473, and that of Dec. 8, 1936, *RG Straf.*, Vol. 71 (1938), p. 34.

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been construed to be punishable to the same extent as if given to state officials;[83] party membership books,[84] lottery tickets,[85] and official correspondence or certifications[86] have been interpreted as "public documents" in the sense of section 267 of the penal code, which provides penalties for their falsification.

In other fields of law, the tendency is less marked. However, section 570 of the Civil Code permitting certain types of public officials to break rental leases because of transfer has been held applicable to an SS physician.[87] And in March, 1936, a Stettin court found the NSDAP as a corporation responsible to the same extent as the Reich would be under section 131 of the constitution (section 839 of the Civil Code) for injuries inflicted by an SA man driving an automobile on party business, under orders from his superior.[88] In this latter case, the court declared: "[The NSDAP] since the passage of the law of December 1, 1933, is a corporation of public law, and it cannot be doubted that in consequence of its commanding position as the bearer of the National Socialist political idea it exercises, to a considerable extent, public authority. This public authority is not given to it by the state, but is recognized as belonging to it as of right . . . [But] the training service of the SA should and does train to the same extent that the exercises of the army or of the safety police prepare their members for a future application of their abilities within their field of activity. Therefore, the training service of the SA cannot be evaluated any differently than the training of the army or of the police."

In general, apart from matters where "political decisions" are concerned, the general body of doctrine applying to corporations of public law has been construed to cover the NSDAP in civil law disputes. The body as a whole is responsible for the acts of its officers.[89]

[83] *Reichsgericht*, decisions of May 28, 1937, and July 16, 1937, *RG Straf.*, Vol. 71 (1938), pp. 223, 288. See also the decision of the *Oberlandesgericht Breslau*, March 7, 1936, *Deutsche Justiz*, Vol. 98 (1936), p. 1269.

[84] *Reichsgericht*, May 7, 1936, *RG Straf.*, Vol. 70 (1937), p. 210.

[85] *Reichsgericht*, Oct. 17, 1935, *RG Straf.*, Vol. 69 (1936), p. 357.

[86] *Reichsgericht*, decisions of Dec. 1, 1936, *Höchstrichterliche Rechtsprechung*, Vol. 13 (1937), no. 421, Dec. 9, 1936, and March 9, 1937. *Deutsche Justiz*, 1937, pp. 356, 666.

[87] *Oberlandesgericht Karlsruhe*, Oct. 9, 1935, *Juristische Wochenschrift*, Vol. 64 (1935), p. 3400. [88] Decision of March 25, 1936. *Ibid.*, Vol. 66 (1937), p. 241.

[89] See discussion of the party's responsibility in civil law in Haidn und Fischer, pp. 83–91.

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It should be clear, then, that, in German constitutional theory, the NSDAP is juxtaposed to the state as a second organ of public authority. But this statement must be qualified. For what is meant here by "state" is the apparatus of government in the traditional German, now limited, sense. This "state" was developed within a complex of social and economic forces varying widely from those obtaining in the Third Reich. The extent of its authority and organization was limited by a different set of factors. It did not intend, and probably would have been unable, to control and regiment every aspect of the social structure upon which it rested. "Free spheres" of activity existed beyond the limits of its authority.

There is no limit to public authority in the new Germany. Every field of activity is a legitimate sphere for public regulation "in the interest of the community." Many of the tasks necessitated by this expansion of control have been assigned to the party. Given the aims and requirements of National Socialism, its functions are as significant socially as those of the "state."

The practical need of the legal order for defining the status of the party is evident. This has led to the application of traditional concepts of German law, wherever the party's functions approximate those of the state, or wherever analogous responsibilities seem to be involved. A half-hearted attempt to conceal this fact is sometimes made by introduction of the fiction of party "legal independence."

Taken together, the two entities are the new German political order, the Third Reich. They encompass all of its authority, and exercise all of its functions. They are two aspects of the same power. Control over both organizations is centralized in the omnipotent Führer, the Hegelian ideal personified. He is equally master of party and "state." Government from this eminence is authority from above, discipline from below. It reduces to the simple formula of obedience to him. To the Italian, the real position of the party would be clear. For him, a state is everything. Both the NSDAP and the "state" would be organs of its authority.

But the German must envelop the reality in a mist of abstraction. Where one supreme authority exists, he has retained two separate and "independent" organizations, and attempts to rationalize their relationships to each other in detail. In this process his

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inborn federalism plays its part. For it is the spectre of the century-old speculation on *Bundesstaat oder Staatenbund* that walks again, clothed now in authoritarian raiments.

However, some National Socialists do not fail to see the light. Reichsminister Frick has said: "The new state comprises the party as one of its elements."[90] State Secretary Pfundtner has repeatedly urged the introduction of the term "Reich" for the state in the larger sense; the term "state" he would retain only for the machinery of government exclusive of the party.[91] This admission of a superordinate authority controlling both entities directly has even found its way into legislation. For the mandate to carry out the Four-Year Plan given by the Führer to Minister-President Goering empowers him to issue orders "to governmental bureaus, including the national departments, and to offices of the party, its divisions and its associated organizations.[92]

Probably the momentum of the development sketched here will continue to motivate the political order of the Third Reich. Nevertheless, the alternative to a clear acceptance of the existence of an omnipresent state, working through two subordinate organs, is a complex of contradictions. The party will pride itself on its independence, pointing to its all-powerful Führer and to laws of the state to support its claims. Courts, deciding the status of the party in cases before them, will solemnly affirm this independence. Meanwhile the disinterested observer may well marvel at the complicated machinery and circumlocutory rationalization developed in Germany to support and express the essentially simple fact of unrestricted public authority.

[90] *Der Neubau des Dritten Reiches* (Berlin, 1935), p. 13.

[91] See, for example, his speech at the 1936 *Juristentag*, published in *Deutscher Juristentag*, 1936, pp. 262–282.

[92] Decree of October 18, 1936. *RGBl.*, I, p. 887.

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THE SEARCH FOR UNIFORMITY OF LAW

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It has been said that the concept of "formal perfection is in itself a thing so impressive, so fascinating, so pleasing, that it tends to camouflage a defect of content and then to deceive by a kind of agreeable dazzling of the mind."[1] Apparently John Fiske was basking in the light of this concept when he characterized federal government as "the sublime conception of a nation in which every citizen lives under two complete and well-rounded systems of law . . . moving one within the other, noiselessly and without friction."[2] Surely, only a childlike faith in the efficacy of mere mechanics controlled by written constitutions could have closed his ears to the clatter arising even then within our American federal system. The concept of federalism may be a lofty one; its practice seems often to be on a more mundane plane.

As it came from behind the closed doors of the convention chamber, the Constitution was not a perfect document. Nor were its defects entirely cured by the amendments proposed by the First Congress and ratified by the states. At least, many members of the Supreme Court apparently held to the view that it was a defective document; for they immediately set about amending it by judicial interpretation. Article I prohibited Congress from levying direct taxes unless they were apportioned, as between the states, on the basis of population. In 1794, the judges, three-fourths of whom had sat in the Philadelphia Convention, proceeded to permit the thing to be done without apportionment by the simple expedient of ruling that no tax is a direct one, in the constitutional sense, *unless* it can be apportioned equitably on the basis of population.[3] Except for an occasional foray to annul taxes striking a majority of the Court as particularly obnoxious, as in the case of the income tax

[1] C. J. Keyser, *Mathematical Philosophy* (1922), p. 139.

[2] *The Critical Period of American History* (1888), p. 301. Cf. Brewer, J.: "We have in this republic a dual system of government,—national and state,—each operating within the same territory and upon the same persons, and yet working without collision, because their functions are different." South Carolina v. United States, 199 U.S. 437, 448 (1905).

[3] Hylton v. United States, 3 Dallas 171 (U.S. 1796).

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act of 1894,[4] this judge-made doctrine has prevailed. In essence, it is a reallocation of the power to tax as between the nation and the states.

According to Madison's *Notes*, the Founding Fathers intended that Congress should have power to admit new states into the Union on a plane of inequality with the original member states. Indeed, on August 29, voting nine states to two, the Convention agreed to strike out the clause, "If the admission be consented to, the new states shall be admitted on the same terms with the original states," because it placed what they considered to be an undesirable limitation upon the power to admit new states. The Court, however, in effect reinserted this rejected clause in the fundamental law. "What is this power?," it asked. "It is . . . a 'power to admit states.' The definition of 'a state' is found in the powers possessed by the original states which adopted the Constitution . . . The power is to admit 'new states into *this* Union.' 'This Union' was and is a union of states, equal in power, dignity and authority, each competent to exert that residuum of sovereignty not delegated to the United States by the Constitution."[5]

I refer to these cases solely to illustrate the fact that occasionally the judges and the Founding Fathers have disagreed as to the nature of our federal system; and that when such disagreements have arisen, it has been the opinions of the former rather than the intentions of the latter that have prevailed. I do not mean to imply that this necessarily is bad, nor on the other hand that it is good; although as to both of my examples, I personally prefer the Constitution of the Court to the Constitution of the Founding Fathers. I refer to the matter merely as a fact that must be taken into account in any realistic appraisal of federalism.

I. UNIFORMITY OF STATE LAWS

Doctrine of Independent Construction. One of the most interesting and significant efforts on the part of the Court to recast our federal system placed it in the vanguard of those who sought a greater uniformity of law. The Constitution was adopted "to form a more perfect Union"; and the historical record as well as the document itself discloses that one of the principal ways in which this more

[4] See C. J. Tiedeman, "The Income Tax Decisions as an Object Lesson in Constitutional Construction," *Annals of Amer. Acad.*, Vol. 6, p. 268 (1895).

[5] Coyle v. Smith, 221 U.S. 559 (1911).

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perfect Union was to be secured was through the breaking down of barriers to interstate trade. Only the more obvious barriers, however, were eliminated. It seems to have been assumed that the great body of the commercial law remained as state law;[6] and state law, at least under conditions then prevailing, meant diversity of law. The first real effort to bring unity out of this diversity was made by the United States Supreme Court in its ill-starred decision of 1842 in the case of Swift v. Tyson.[7]

Through its position as the court of last resort in common law as in other cases, the Judicial Committee of the Privy Council has been able to maintain a surprising degree of uniformity of law throughout the whole British Empire.[8] Our Supreme Court enjoys no such all-pervasive appellate jurisdiction. With us, each state supreme court is a court of last resort for state questions arising in state courts. Yet, when questions of state law arise in federal trial courts, as they so often do in cases brought there for trial because of the diverse citizenship of the parties,[9] the federal Supreme Court becomes a court of last resort on such questions. Was this jurisdiction sufficiently broad to justify the Court in undertaking the unifying rôle so successfully played by the Judicial Committee? The judges, under the leadership of Mr. Justice Story, decided that it was. Hence, in the Swift case they laid down two principles: First, the federal courts, in original jurisdiction cases, "have an independent jurisdiction in the administration of state laws, coördinate with, and not subservient to, that of the state courts."[10] Second, although in such cases, as a general rule, they follow the decisions of state courts as to the state law, this will not be done in commercial law cases, the rules of which "are to be sought, not in the decisions of the local tribunals, but in the general

[6] But see *infra*, p. 1091. [7] 16 Peters 1.

[8] The importance of this function has long been overshadowed in the public eye by the Committee's rôle in constitutional litigation, and only now is coming to receive adequate recognition. R. T. Latham terms it "the less obtrusive, but in solid fact by far the most important, function of the Privy Council appeal." "The Law and the Commonwealth," published as a supplementary chapter in W. K. Hancock, *Survey of British Commonwealth Affairs*: Vol. 1, *Problems of Nationality, 1918–1936* (1937), p. 510, at p. 571. In Canada, this unifying force is greatly amplified by the Supreme Court of Canada, which sits as a court of final appeal from the courts of all the provinces on questions of provincial as well as of dominion law.

[9] Of course there are other sources of such jurisdiction. See J. M. Jacobson, "Federal Interpretation of State Law," *Univ. of Pennsylvania Law Rev.*, Vol. 86, p. 335 (1938). [10] As restated in Burges v. Seligman, 107 U.S. 20, 33 (1882).

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principles and doctrines of commercial jurisprudence."[11] Under later decisions, this second doctrine was expanded to include other phases of the common law.

The federal courts having refused to follow the state supreme courts, the burden of choice was shifted to the latter. Would they surrender their prerogatives as courts of last resort on questions of state law? Or would they stand by those prerogatives and thus introduce into the law a new element of diversity? The expectation of the federal Supreme Court clearly was that they would choose the first, thus in effect nationalizing the law merchant and many phases of "general jurisprudence." But they chose the second. The result was a diversity of the worst sort. To a diversity of law as between states was added a diversity of construction of the law of a single state, depending upon the court which was called upon to apply it.

Uniform State Laws. Swift v. Tyson was not reversed until April, 1938.[12] In the meantime, the unsatisfactory nature of the resulting situation gave added impetus to the movement to codify state law, since this furnished a ready escape from the doctrine of independent construction—a doctrine which, for some unexplained reason, was applied only to the common law.[13] Under the leadership of the

[11] 16 Peters 19. In reaching this conclusion, the Court proceeded from the doctrine that state judicial decisions are merely evidence of the law rather than statements of the law itself, to the assumption, in the words of Holmes, J., that the common law is "a transcendental body of law outside of any particular state but obligatory within it unless and until changed by statute." B. and W. Taxicab Co. v. B. and Y. Taxicab Co., 276 U.S. 518, 533 (1928). Lacking the unifying concept furnished the British Empire by the Crown, which might justify such a conclusion, the opinion substituted the medieval concept of the law merchant as "not the law of a single country only, but of the commercial world." 16 Peters 19, paraphrasing Lord Mansfield's quotation from Cicero in Luke v. Lyde, 2 Burrows Rep. 882, 887 (1759). Even this explanation failed when later cases expanded the doctrine from commercial law to "general jurisprudence."

[12] Erie R.R. v. Tompkins, 304 U.S. 64 (1938).

[13] It is difficult to see why this should have been so. If judicial pronouncements of common law doctrines are only *evidence* of the law, can more be said of judicial constructions of statutes? A few judges attempted to establish an intermediate doctrine, ruling that the construction by a state court of last resort of a state statute which is merely declaratory of the common law does not bind federal courts. See W. A. Shumaker, "Federal Courts and the Uniform Laws," *Law Notes*, Vol. 31, p. 26 (1927). This effort was ended by the declaration, in Burns Mortgage Co. v. Fried, 292 U.S. 487, 495 (1934), that "there is no valid distinction in this respect between an act which alters the common law and one which codifies or declares it. . . . Nor is there a difference in this respect between a statute prescribing rules of commercial law and one concerned with some other subject. . . . "

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American Bar Association and its brain child, the National Conference of Commissioners on Uniform State Laws, the movement for codification ultimately changed from the David Dudley Field movement for the adoption of complete codes to an effort to codify small portions only of the law in a single act, which act was to be common to all of the states and territories or so many thereof as could be prevailed upon to adopt it.[14] In this new form, the movement met with immediate success, this particularly being true as to its first statute, the Uniform Negotiable Instruments Act of 1896.

It seems somewhat surprising that it was the American Bar Association, composed of men drawn from a profession which pretends to hold a very low opinion of legislatures and statutes, that led in this movement for statutory uniformity. It was even more surprising that, like the social reformers who are unacquainted with the intricacies of the law and the ways of judges, its leaders overlooked the axiom that construction is nine-tenths of the statute. But let us permit the National Conference of Commissioners to describe the resulting situation:[15]

"During the first years that followed the endorsement . . . of the Negotiable Instruments Act . . . the volume of adjudicated cases under its provisions rapidly increased. With the passage of time, these decisions began to reveal an unexpected and formidable peril. The whole fabric, the very conception of uniformity, was being menaced by a strange attitude of the courts. Once more the hydra-heads of uncertainty were showing themselves: the courts, on identical statutes, were reaching diametrically opposite conclusions; cases from other states on the precise point were being ignored; the very statute was ofttimes neglected, and matters clearly within its language were being disposed of on the bases of ancient decisions."

Here the article called attention to the findings of Mr. Amasa M. Eaton,[16] who made the discouraging discovery that although section

[14] For a parallel development in Canada, see R. W. Shannon, "Uniformity of Legislation," *Canadian Bar Rev.*, Vol. 8, p. 28 (1930). Again, the Canadian situation is simplified by the fact that the Supreme Court of Canada and the Judicial Committee, as courts of final appeal from all the provincial courts, are able to enforce a uniformity of interpretation of such uniform provincial laws.

[15] Jacob Sickerman, "Construction of Clause in Uniform State Laws Providing for Uniformity of Interpretation," *Amer. Bar Assoc. Jour.*, Vol. 2, p. 60, at p. 61 (1916). A footnote explains that the article was published at the request of the Conference and of the Committee on Uniform State Laws of the American Bar Association.

[16] "The Attitude of the Courts with Reference to an Antecedent Debt as Constituting Value under the Uniform Negotiable Instruments Law," *Yale Law Jour.*, Vol. 23, p. 293, at p. 294 (1913).

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51 of the uniform act states in unqualified terms that "an antecedent or pre-existing debt constitutes value," in more than one-third of the 1,100 cases examined the courts had held that an antecedent or pre-existing debt is not sufficient consideration to create a contract. Mr. Eaton's conclusion that "uniform decisions under a uniform law are as necessary as uniformity of legislation" was a cry of despair rather than a promise of action.

Starting in 1906, the National Conference of Commissioners resorted to the insertion of a clause: "This act shall be so interpreted and construed . . . as to effectuate its general purpose to make uniform the laws of those states which enact it." Since 1913, this clause has been supplemented by the activities of a permanent Committee on Uniformity of Judicial Decisions. The degree of success in arriving at a uniformity of interpretation of uniform state laws is debatable, although in no case more than partial. An outstanding champion of the movement concedes: "Different courts frequently interpret the same or similar language in exactly opposite ways, and at this late date, there is little hope of getting them to do differently."[17] Yet, if they cannot be prevailed upon to do differently, uniformity of law through state statutes will continue, like the pot of gold at the foot of the rainbow, to be merely a beautiful word picture of something to be desired, but never reached.

The movement for uniformity through state statutes suffers from a second inherent defect. It stifles the normal growth of the law. When defects appear, no state dares to take steps to remedy them lest in doing so it destroy whatever degree of uniformity has been secured. The National Conference of Commissioners hesitates to propose uniform amendments, lest they be adopted by some and rejected by others. True statutory uniformity, without sacrificing flexibility, can be secured in only one way—national action.

Restatement of the Common Law. A third crusade for uniformity came as a by-product of the American Law Institute's attack upon "the two chief defects of American law, its uncertainty and its complexity." In the minds of its leaders, we were threatened with "an intellectual and jurisprudential shipwreck"[18] through "being

[17] W. Brooke Graves, *Uniform State Action; A Possible Substitute for Centralization* (1934), p. 269.

[18] Letter from President George W. Wickersham, printed in *Amer. Bar Assoc. Jour.*, Vol. 20, p. 335 (1934).

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overwhelmed by the accumulated mass of judicial decisions in 48 jurisdictions"[19]—a mass which "was reaching a magnitude which made it impossible in ordinary practice to consult them."[20] The Institute's proposal was to prepare, somewhat after the fashion of a code but without legislative authority, a "statement of the existing state of the law" that would be so well done that it would be accepted as authoritative by the courts, thus rendering reference to the prior case law largely superfluous. Early recognizing the fallacy of the assumption that an "American common law" exists that is capable of being put in such form, it compromised on the proposal to restate "that which is regarded as the rule which would today be followed by a majority of our courts."[21] In addition to furnishing a guiding beacon to save the practitioner from becoming lost in the "welter of decisions," it was hoped that "many local variations from general rules of law will be done away with through the use of the Restatements," which "may well have persuasive effect in inducing it [i.e., the court of a "minority" state] to give up its individual idiosyncrasies for the greater advantages of uniformity and certainty in the law."[22] Indeed, one writer went so far as to say: "The great purpose of the Restatements is to persuade courts to reconsider these peculiar local rules, wherever possible, in the interest of unity and certainty in our law."[23] Even Dean Pound hoped that they would serve as the basis upon which "an economically unified America . . . may have a unified legal development under the leadership of nationally-minded jurists."[24]

Reduced to its elements, the proposal, so far as our subject is concerned, was very simple. The effort to secure uniformity through statutes had been made because of the multifarious interpretations placed upon the common law by the courts of the different states. It had failed because of the multifarious interpretations

[19] Director William Draper Lewis, "Statement Concerning Work of the American Law Institute," *Amer. Bar Assoc. Jour.*, Vol. 19, p. 640 (1933).

[20] Address of Chairman Elihu Root, printed in *Amer. Bar Assoc. Jour.*, Vol. 9, p. 137 (1923).

[21] Unsigned, "American Law Institute Holds Fourteenth Annual Meeting," *Amer. Bar Assoc. Jour.*, Vol. 22, p. 373 (1936).

[22] Herbert C. Goodrich, "The Restatements Locally Annotated," *Amer. Bar Assoc. Jour.*, Vol. 14, p. 538, at p. 539 (1928).

[23] Unsigned editorial, *Amer. Bar Assoc. Jour.*, Vol. 15, p. 233, at p. 234 (1929).

[24] Roscoe Pound, "Unification of Law," *Amer. Bar Assoc. Jour.*, Vol. 20, p. 695, at p. 696 (1934).

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placed upon these statutes. The Institute proposed to go directly to the heart of the matter, and to end this diversity of interpretation of the common law.

At the very outset, the Institute found itself in difficulties. I am not thinking of the more mature conclusion that "probably few courts will overrule their prior decisions because they find that the Institute is against them,"[25] although that is significant, but of something more basic. "The Restatement sets forth . . . the law as it is." Protesting that its purpose was "not to ossify the present common law,"[26] its director conceded: "Our common law is not and should not be static. The rule of *stare decisis* is a rule essential to its existence, but it is also a rule which if over-emphasized kills."[27] Hence it was concluded that the rôle of the Restatement should be merely that of summing up the past "in such wise as to give a basis for doctrinal and judicial reshaping and remaking of the codified materials."[28] Does not this create somewhat of a dilemma? Are "minority" states to be asked to swing into line with the majority, when the rule of the latter "does not correspond to present ideas of justice and the needs of life?"[29] Is it preferable that the majority states switch to the minority rule? If so, until this process is fairly well completed, whatever degree of uniformity had existed of old is lost. In addition, the Restatement, by accepting this obsolete rule, has entrenched it further and thus hindered desirable evolution.

Apparently the Institute soon realized these dangers. In 1925, at the joint request of the American Bar Association and the American Institute of Criminal Law and Criminology, it undertook the preparation of a model code of criminal procedure for submission to the legislatures of the various states. This proved but a prelude to further departures from its original task, and in 1936 we find its Adviser on Professional Relations stating: "The process of restating existing law reveals instances where legislation is

[25] Judge O. W. Branch of New Hampshire, in *The Future of the Common Law*, Harvard Tercentenary Publications (1937), p. 152.

[26] Lewis, *op. cit.* (*supra*, note 19).

[27] "Annual Report of the Director," quoted in *Amer. Bar Assoc. Jour.*, Vol. 24, p. 429, at p. 489 (1938).

[28] Pound, *op. cit.* (*supra*, note 24).

[29] Lewis, "Annual Report of the Director," *Amer. Law Institute Proceedings*, Vol. 14, p. 44, at p. 52 (1937).

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necessary";[30] while Director Lewis explained: "Our work on statutes grows out of and is a necessary complement of our work on the Restatement."[31] As early as 1935, the Council had adopted, as a regular policy, the preparation of whatever drafts of statutes prove necessary "to correct defects in the law as the weight of authority requires us to state it in the Restatement;"[32] and the following year it ratified an agreement with the Executive Committee of the National Conference of Commissioners on Uniform State Laws whereby the two bodies function as one in this task.[33] Thus the American Law Institute's crusade has been merged into the stronger current of the older movement, as a tributary stream is adopted into the bosom of the main body of the river, and nothing remains of the original plan save an occasional "critical comment indicating the probable and desirable evolutionary process for the future."[34]

The Next Step. The Constitution[35] provides that the federal judicial power shall extend "to all cases of admiralty and maritime jurisdiction; to controversies . . . between citizens of different states . . . " In neither instance is any intimation given as to the law to be applied in such cases. In Swift v. Tyson,[36] the Court assumed that the law governing diversity of citizenship cases is state law, its sole departure from a strict application of this doctrine being its insistence, under certain conditions, upon an independent construction of that law. It seems to have overlooked the possibility that in vesting jurisdiction in the national courts, the Constitution vested jurisdiction in the national government—Congress and courts alike—to declare the law applicable therein. To have so held would have been merely to apply the same rule of construction that it applied relative to the maritime law, where

[30] Goodrich, "Annual Report of the Adviser on Professional Relations," *Amer. Law Institute Proceedings*, Vol. 13, p. 86, at p. 92.

[31] *Op. cit.* (*supra*, note 29).

[32] *Amer. Law Institute Proceedings*, Vol. 12, pp. 421–428 (1935); Vol. 14, p. 44, at p. 52 (1937).

[33] *Ibid.*, Vol. 12, p. 63, at pp. 74–76 (1935); Vol. 13, p. 69, at p. 79 (1936).

[34] W. Barton Leach, "The Restatements as They Were in the Beginning, Are Now, and Perhaps Henceforth Shall Be," *Amer. Bar Assoc. Jour.*, Vol. 23, p. 517, at p. 520 (1937). His characterization of these comments as "perhaps the most useful thing the Institute can produce" would seem to underestimate the truly great value of the better Restatements.

[35] Art. III, sec. 2. [36] *Op. cit.* (*supra*, note 7).

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the provision has been regarded as implicitly nationalizing that branch of jurisprudence.[37]

In this respect, Swift v. Tyson would seem to have been properly decided. The admiralty rule is scarcely workable in the field of diversity of citizenship jurisdiction, since there are important differences in this respect between jurisdiction based upon subject-matter and that based upon the nature of the parties. This is particularly so when it is citizenship *as of the time suit is brought*, rather than as of the origin of the cause of action, that is decisive.[38] To nationalize the law applied in diversity of citizenship suits would set up a rival body of law applicable to the entire field of private litigation. This would amount to a statutory adoption and extension of the evils incident to independent construction, now repudiated even as to the law merchant. The Court has done well to intimate, *obiter*, that this choice is not open.[39]

Action by Congress under its normal legislative powers as set forth in Article I, Section 8, of the Constitution would seem to be more promising, as such rules would be binding on state and federal courts alike. Here the commerce clause is the most applicable, and although it scarcely could serve to justify legislation passing beyond the confines of commercial law, that is, after all, the field in which the need for uniformity is greatest.

Such a proposal is not new. As long ago as 1844, the editor of the *Western Law Journal*, commenting on the bill to extend the admiralty jurisdiction over lakes and rivers which had been drafted, at the request of a member of the Judiciary Committee of the House of Representatives, by Mr. Justice Story, added:[40] "I wish that the same learned Judge would prepare another bill, founded on the power of Congress, to regulate commerce, which might have the effect of rendering the law of commerce, as well as navigation, more uniform throughout this great country. Think, for example, of the evil arising from the conflicting doctrines held

[37] See The Lottawanna, 21 Wallace 558 (U.S. 1875); Panama R.R. v. Johnson, 264 U.S. 375 (1924).

[38] Under the doctrine of independent construction, a party, by mere change of residence, or by transfer of his rights to a person domiciled in another state, could convert that which was no claim into a valid demand, or *vice versa*. McDonald v. Smalley, 1 Peters 620 (U.S. 1828); B. and W. Taxicab Co. v. B. and Y. Taxicab Co., *op. cit.* (*supra*, note 11).

[39] Erie R.R. v. Tompkins, 304 U.S. 64, 72 (1938).

[40] *Western Law Jour.*, Vol. 1, p. 336.

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in the different States on the subject of negotiable paper and insurance." Years later, an active drive for such legislation was undertaken by the American Bar Association. In 1887, the Association's Committee on Commercial Law reported a series of conclusions:[41]

"First, that the present needs of the business community for uniformity of law relating to the enforcement of contracts and the collection of debts imperatively demand national legislation as the only adequate means by which the desired relief and protection can be attained. Second, that so far as interstate commercial transactions are concerned, Congress has full power to provide the necessary relief and protection by legislation under the [commerce] clause . . . Fourth, that, in the exercise of the same power, Congress should enact a statute defining the law relating to bills of exchange and other commercial paper, so far as the same is involved in interstate commerce."

Two years later, this report was approved and the Committee was authorized to present the matter to Congress.[42] Before anything constructive could come of it, the program was abandoned in favor of the rival one calling for uniform state laws.

Doubtless one reason for this change was the realization that interstate commerce is not a thing apart from intrastate commerce. Indeed, where is the business man (or attorney) so bold as to assert that he knows the line dividing the two? Unless we were merely to switch from one form of diversity to another little if any less embarrassing, suffering from all of the deficiencies of the doctrine of Swift v. Tyson, something else was necessary. The Committee had recognized this, venturing the prediction:[43]

"Fifth, that if such legislation be once adopted, it is likely that the state legislatures would enact the same provisions for the regulation of commerce among their own citizens, and there would thus be provided a completely uniform system of law relating to the essential features of commercial transactions throughout the whole country."

Would they have done this? Would they do it today? Recent experiences[44] would seem to indicate that there were sound reasons for the Committee's optimism. But, would the state courts have permitted the state legislatures to adopt as their own the statutes passed by Congress? Would they permit this today? For reasons

[41] *Tenth Annual Report of the Amer. Bar Assoc.* (1887), p. 332, at p. 352.
[42] *Twelfth Annual Report of the Amer. Bar Assoc.* (1889), pp. 23, 29, 35.
[43] *Op. cit.* (*supra*, note 41).
[44] See W. Brooke Graves, "Influence of Congressional Legislation on Legislation in the States," *Iowa Law Rev.*, Vol. 23, p. 519 (1938).

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discussed below, this is at least doubtful so far as the most desirable form of adoption is concerned, under which the state law changes automatically to accommodate itself to changes in the national law. In any case, would the state courts have construed their state's statutes in such fashion as to have secured true uniformity? Would they do so today? Although an affirmative answer would seem more likely here than in the case of uniform state laws,[45] this question, like the others, can be answered only by actual trial.

If we decide not to experiment with duplicate national and state statutes, or if experience shows that this plan likewise is relatively unsuccessful, what then? The sensible step would be to amend the Constitution to vest complete jurisdiction in Congress over commercial law. I can see but two sound reasons for continuing a particular power, of such obvious national importance, in the hands of the states rather than transferring it to the nation: the desire for diversity and the wish for experimentation. The movement for uniformity of law, whether through statute or restatement, negatives the first, and stifles the second to a far greater extent than could result from centralization.

II. UNIFORMITY OF NATIONAL AND STATE LAWS

Discussions of uniformity are generally restricted to the state governments. But there is a second phase of the subject that is coming to merit equal attention. Indeed, with the ever-increasing scope of federal activities, it may in time become the more important of the two. I refer, of course, to the uniformity of national and state laws in closely related, even though technically distinct, fields.[46]

[45] See *infra*, p. 1097.

[46] So long as Congress fails to exercise a given power, this type of uniformity automatically results from application of state law to the entire subject save in those few instances in which congressional silence has been held to bar state action. In the latter case, Congress generally has removed the barrier of silence by express statutory authorization of state legislation. See H. W. Biklé, "The Silence of Congress," *Harvard Law Rev.*, Vol. 40, p. 200 (1927); J. A. C. Grant, "The Scope and Nature of Concurrent Power," *Columbia Law Rev.*, Vol. 34, p. 995 (1934), and "State Power to Prohibit Interstate Commerce," *Calif. Law Rev.*, Vol. 26, p. 34 (1937). The sole exception to these general rules is the field of maritime law, where what properly may be termed a "national common law" often applies in the absence of national statutes, and where even congressional authorization may not suffice to validate state action. See Knickerbocker Ice Co. v. Stewart, 253 U.S. 149 (1920).

The Knickerbocker Ice Co. case is an excellent example of the evil that may arise

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In 1871, Congress entered upon the regulation of federal elections. By this act it simply adopted, as its own, the election laws of the states. In other words, Congress intentionally adopted a diversity of federal law as between different states in order to achieve a uniformity of national and state laws within each given state. This procedure was not new. In 1820, Chief Justice Marshall, on circuit, had sustained the authority of Congress to vary its laws regulating or prohibiting the importation of persons of color in keeping with the local policies and laws of each state concerned.[47] Later, a similar procedure was followed when the state prohibitory liquor acts were supplemented by the Reed amendment of 1917 to the Webb-Kenyon Act, making it criminal to transport intoxicants into any state forbidding their manufacture or sale. The Ashurst-Sumners Act of 1935 has applied the same principle to interstate commerce in convict-made goods, and it may soon find other applications in the field of labor legislation.[48]

Of course, counsel attacked the validity of this procedure. Are not the nation and the states "foreign" to each other? Are they not distinct "sovereignties"? Was not Congress delegating its legislative powers to the states? In the Siebold[49] and Clarke[50] cases, decided in 1879, two judges, Justices Field and Clifford, were won over to this view:

"It is not competent [they wrote] for Congress to make the exercise of its punitive power dependent upon the legislation of the states . . . I can not think that such punitive legislation is valid, which varies, not by direction of the federal legislators, upon new knowledge or larger experience, but by the direction of some external authority which makes the same act lawful in one state and criminal in another, not according to

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from a failure to recognize the fact that there is more than one type of uniformity, and that the type to be desired may vary from case to case. In insisting upon one national body of law to govern occupational injuries to longshoremen arising while they are on a boat, the Court was in fact demanding a diversity as between the law governing such accidents and those arising on land, including docks and even, at times, gang-planks. See Minnie v. Port Huron Terminal Co., 295 U.S. 647 (1935); Kenward v. The Admiral Peoples, 295 U.S. 649 (1935). Whereas seamen are attached to a boat, and would suffer from a diversity of law as between ports, longshoremen are attached to a port, and suffer from a diversity of law as to that port. Hence the decision, in the name of uniformity, prohibited the type of uniformity most to be desired.

[47] The Brig Wilson v. United States, 30 Fed. Cas. No. 17, 846 (C.C., D. Va., 1820). [48] For other illustrations, see the articles cited *supra*, note 46.

[49] *Ex parte* Siebold, 100 U.S. 371 (1879).

[50] *Ex parte* Clarke, 100 U.S. 399 (1879).

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the views of Congress as to its impropriety, but to those of another body. The Constitution vests all the legislative power of the federal government in Congress . . . Can Congress abdicate its functions and depute foreign countries to act for it?"[51]

These were the same two justices who, in Tennessee v. Davis,[52] had insisted that under no circumstances can a federal court try a criminal charge brought by a state, since in the international field no sovereign tries crimes against another sovereign. But they lost all of these cases by the decisive vote of seven to two. In the Davis case, the majority wrote:

"The imaginary difficulties and incongruities supposed to be in the way of trying in the circuit court an indictment for an alleged offense against the peace and dignity of a state . . . are unreal. The courts of the United States . . . are not foreign courts . . . When this is understood (and it is time that it should be), it will not appear strange that, even in cases of criminal prosecution for alleged offenses against a state, . . . the general government should take cognizance of the case and try it in its own courts."[53]

In short, the contention that the nation and the states must deal with each other at arm's length, as if they were foreign sovereignties, was met with a flat denial. They proceeded, instead, in keeping with the prediction in the *Federalist*[54] that the courts will not treat the national and state governments as "foreign" to each other, but as "kindred systems, . . . parts of one whole."

These cases seem to have settled the federal law. Yet at the very time they were decided the Court was drifting from the major premise on which they were based. It was not many years until the doctrine of "distinct sovereignties" was playing a major rôle in constitutional cases, particularly as to the rights of persons accused of crime. In 1914, it was held that the national government may make use of evidence illegally seized by state officers.[55] In 1922, we were informed that, even in the absence of statutory authorization, state and nation may undertake successive prosecutions for what would be regarded, in Canada, England, or France, even though two distinct nations rather than two governments of a federal state were involved, as a single crime.[56] In 1931, it was

[51] *Ibid.*, at pp. 404, 421–422. [52] 100 U.S. 257 (1879).

[53] *Ibid.*, at pp. 271–272. [54] *The Federalist* (Lodge ed., 1888), No. 82, p. 514.

[55] Weeks v. United States, 232 U.S. 383 (1914).

[56] United States v. Lanza, 260 U.S. 377 (1922). See J. A. C. Grant, "The Lanza Rule of Successive Prosecutions," *Columbia Law Rev.*, Vol. 32, p. 1309 (1932), and "The Bill of Rights and Criminal Law Enforcement," *Annals of Amer. Acad.*, Vol. 175, p. 205 (1934).

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settled that the nation can make use of evidence extorted from the defendant by state officers, and can demand answers to questions that will incriminate a witness under the laws of a state.[57]

The resulting situation can best be pictured through a statement of the facts of a case decided by the Supreme Court in 1932. Texas indicted a national prohibition agent for violating the state liquor laws. He had his case removed for trial to a federal district court, as he was entitled to do under a statute dating from Civil War times. The state based its case largely upon the evidence of the prohibition agent's partner, who was compelled to testify under a statutory guarantee of immunity from state prosecution. This partner was then under federal indictment for the very transactions regarding which he was forced to testify, and concerning which he was cross-examined at great length by counsel for the defense. Now the defense counsel was the United States district attorney—the very gentleman who, the following week, was to prosecute this witness in the same court room, before the same judge. Apparently he made the most of this opportunity, as he was later successful in putting this witness, turned defendant, behind prison bars. When the latter protested that such a procedure deprived him of his constitutional immunity from compulsory self-incrimination, the court explained that he was entirely in error on this point. Since the national and state governments constitute distinct sovereignties, foreign to each other, neither is the least concerned with the activities of the other.[58]

Such peculiar results might well cause one to question the premise which yields them. The state courts, however, accepted both the conclusion and the premise; indeed, many of them beat the federal Supreme Court to each. Nor was the premise restricted, as the federal Supreme Court has restricted it, to the field of criminal law enforcement. It bids fair to prove a serious, if not insurmountable, barrier to effective state adoption of national laws.

State adoption of national laws is of even greater importance than national adoption of state laws. It has a greater potential field of operation. National adoption of state laws merely unifies

[57] United States v. Murdock, 284 U.S. 140 (1931). See J. A. C. Grant, "Immunity from Compulsory Self-Incrimination in a Federal System of Government," *Temple Law Quar.*, Vol. 9, p. 57 (1934).

[58] United States v. Smith, 51 F. (2d) 803 (1931), sustained in 58 F. (2d) 735 (C.C.A. 5th, 1932). The Supreme Court refused *certiorari*. 287 U.S. 631 (1932).

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the national law with the law of each individual state. State adoption of national laws does this, and more; it unifies the laws of all coöperating states. It does this to a greater extent than can be accomplished through the National Conference of Commissioners; for the national government, unlike the Conference, has a supreme court to give definitive meaning to its laws. No doubt state courts would be more willing to follow the rulings of the Supreme Court than they are to follow the rulings of the courts of sister states; and clearly the physical barriers in the way of successfully doing so are much less serious in the first case than in the second. Indeed, in adopting the law of the nation the state would be adopting, not a particular statute, but a complete product: statute, administrative rulings, and judicial decisions. The success of the plan, when tried from the nation down, merits at least serious experimentation with it from the states up.

It is unfortunate that the plan has had its principal applications in connection with prohibition and New Deal legislation,[59] neither of which met with any particular degree of sympathy from bench and bar. The principles laid down in the decisions,[60] however, are general in scope, not restricted to the realms of pink snakes and blue eagles. This clearly is true of the Nebraska court's statement:

> "The enactment of law is one of the high prerogatives of a sovereign power. It would be destructive of fundamental conceptions of government through republican institutions for the representatives of the people to abdicate their exclusive privilege and obligation to enact such laws . . . To term such a method of legislation . . . vicious is to indulge in mild criticism . . . The legislature cannot delegate the sovereign powers of the state to an administrative or executive authority of a foreign jurisdiction."[61]

An intermediate California court, to be sure, has insisted that "we are a nation, not an alliance of foreign states, and our President is not a foreign Potentate";[62] but until quite recently its voice

[59] For other illustrations, see J. P. Chamberlain, "Uniformity of Regulatory Laws Through Federal Models," *Amer. Bar Assoc. Jour.*, Vol. 9, p. 382 (1923), and the article by Graves cited *supra*, note 44.

[60] No effort is made to collect them here. See P. A. Kauper, "The Validity of State Recovery Acts Adopting Federal Codes," *Michigan Law Rev.*, Vol. 33, p. 597 (1935); Unsigned note, "State Legislation in Support of the NIRA," *Columbia Law Rev.*, Vol. 34, p. 1077 (1934). For the recent cases, see this REVIEW, Vol. 30, pp. 693–695; Vol. 31, pp. 665–667; Vol. 32, pp. 679–680.

[61] Smithberger v. Banning, 129 Nebr. 651, 661–662 (1935).

[62] *In re* Lasswell, 1 Cal. App. (2d) 183, 203 (1934).

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was as a voice crying in the wilderness, and was also in conflict with earlier and later *dicta* of the state supreme court.[63] Recent decisions concerning the social security program may reflect a changing attitude, the Alabama court having gone so far as to intimate that nation and state have greater leeway in dovetailing their legislative programs than would be allowed two states, whose territorial jurisdictions do not overlap.[64] As a practical matter, this view has much to commend it; and fortunately "practical considerations" have an uncanny ability to worm their way into the *corpus* of our public law.

Ultimately, it is to be hoped, the concept of uniformity, as expressed by the minority members of the New York court, will prevail. They stated:

"Economic laws ignore state boundaries artificially created to mark the limits of local sovereignty . . . The legislature was called upon to decide whether the remedy which Congress was seeking to apply to conditions existing in interstate commerce was in its opinion a sound remedy which could be applied also to the same conditions existing in intrastate commerce . . . It could if it chose create its own (regulations), but . . . it would introduce chaos into a situation which called for order. Businesses which enter into competition with each other would be subject to different rules . . . ; indeed, departments of the same business might be subject to different forms of regulation, and a business man might be called upon to decide at his peril to which rules he was subject . . . It has . . . determined that the remedy to be tried is the application to business within the state of the same rules and regulations which the federal authorities apply nationally . . . The attack upon the method is merely an indirect attack upon the policy of uniform standards."[65]

If the courts cannot adapt themselves to a technique which will render federalism a workable scheme of government in the modern world, ultimately federalism will suffer. "The states have not lost a single power of which they made effective use."[66] Judges who would "save" the states from the National Leviathan will do well to ponder that statement. Otherwise, it may prove necessary to save the citizen from the courts.

[63] *In re* Burke, 190 Cal. 326, 328 (1923); Brock v. Superior Court, 9 Cal. (2d) 291, 297 (1937).

[64] Beeland Whse. Co. v. Kaufman, 234 Ala. 249, 260 (1937), sustaining the state unemployment compensation law. In sustaining the same act, certain remarks of counsel prompted the federal Supreme Court to comment: "The United States and the State of Alabama are not alien governments." Carmichael v. Southern Coal and Coke Co., 301 U.S. 495, 526 (1937).

[65] Darweger v. Staats, 267 N.Y. 290, 310–311 (1935).

[66] W. Brooke Graves, *Uniform State Action* (1934), p. 303.

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Second and Third Sessions of the Seventy-fifth Congress, 1937–38.* The election returns of November, 1936, seemed to portray a democracy strongly united behind a leader and a program of action. It appeared that Franklin D. Roosevelt and his New Deal platform had been endorsed by nearly every interest and section in the United States, and an overwhelmingly Democratic Congress selected to enact into law those principles for which he "had just begun to fight." Within six months, however, that unity started to disintegrate. Congress began to dissect carefully the program which the President proclaimed to be both beneficial for the entire country and politically prudent for the political party which he headed. As every item was judged separately by its probable effect upon each legislator's electoral support, fresh majorities had to be assembled for all important measures—an impossibility in some instances. Soon Congress became the arena for a frantic scramble of competing interests, *blocs*, pressure groups, and sections. Not only the increasing economic distress at home but also the activities of European dictators served to undermine faith in presidential leadership. The proposal to reorganize the administrative departments fell victim to an American fear of a powerful executive. A bewildered Congress, nevertheless, could agree on no constructive suggestions. Perhaps the solutions of our social and economic problems are beyond the range of human ability acting within the framework of our capitalist and constitutional democracy. When Mr. Roosevelt, however, boldly proposed another huge spending program, many congressmen, quickly perceiving its political dividends, and noticing that New Dealers were faring well in spring primaries, reënlisted under the President's banner. Thus the Chief Executive, his authority reëstablished despite ominous rumors of an impending "purge," triumphantly paraded his cohorts across the legislative finish line. The ultimate effect of his subsequent summer primary campaigns against recalcitrant party members is not now calculable.

On October 12, 1937, the President issued a proclamation declaring that "an extraordinary occasion requires the Congress of the United States to convene in extra session" on November 15 "to receive such communication as may be made by the Executive." This special, or second, session adjourned on December 21 without having completed any of its assigned tasks. Congress convened for its third, or second regular, session on January 3, 1938, and adjourned *sine die* on June 14.

Organization. The Senate which answered the President's emergency call contained 76 Democrats, 16 Republicans, 2 Farmer-Laborites, and

* This article was written before the November elections and accordingly takes no account of their results. MAN. ED.

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Messrs. LaFollette and Norris. Among the majority members was John E. Miller of Arkansas, recently elected to succeed Joseph T. Robinson, deceased. Subsequent changes involved the election of Representative Lister Hill to take the seat (temporarily occupied by the Alabama governor's wife, Dixie Bibb Graves) made vacant by the elevation of Hugo Black to the Supreme Court. A. Harry Moore resigned to be inaugurated governor of New Jersey, whereupon he appointed John Milton as his successor in Washington. Upon the resignation of Frederick Steiwer, the Republican minority declined to 15, as Alfred E. Reames, Oregon Democrat, was appointed as his substitute. Shortly after adjournment, death took Royal S. Copeland, veteran New York Democrat, whose place has remained unfilled. Primary defeats and voluntary retirements insure a normal turnover for the next Congress. Only three Republican incumbents face the electorate this November.

The House membership on November 15, 1937, included 329 Democrats, 90 Republicans, 8 Progressives, and 5 Farmer-Laborites. Two more Democrats appeared in December to fill vacancies. The Manhattan district which had elected Bruce Barton, Republican, to replace a deceased Democrat provided the only change in political affiliation during the life of the 75th Congress. Late in the third session, however, the majority decided to unseat Arthur B. Jenks, New Hampshire Republican, in favor of Alphonse Roy, whose contest had long been pending. The issue at stake, involving 34 lost ballots, was so confused that either decision was defensible.[1] During the past year several representatives have died, two resigned to become senators, and Fred M. Vinson, Administration stalwart on the Ways and Means Committee, accepted appointment to the federal judiciary[2] upon the completion of legislative action on the Revenue Act of 1938. Several representatives have recently obtained senatorial and gubernatorial nominations, others have failed in the attempt. Some, like Bertrand Snell, minority leader from New York, are retiring voluntarily; while others, like John O'Connor of the same state, have been denied renomination by their party, but unlike him, have not been adopted by rival parties. If the 76th Congress should conform to the average change of personnel since 1912, there will be 97 new members in the next House.[3]

There has been no change in congressional leadership during the past year, although recent events portend important 1939 alterations. In ac-

[1] *Congressional Record*, 1st session, p. 11927, and 3rd session, pp. 11417–35, for relevant debate. All references to the *Record* in this article are to the unrevised and unbound copies.

[2] The circuit court of appeals for the District of Columbia. See *Record*, 3rd session, p. 8922. The appointment had been confirmed by the Senate five months earlier.

[3] A table may be found in the *Record*, 3rd session, p. 83.

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cordance with the seniority rule, Elbert D. Thomas succeeded Hugo Black as chairman of the Senate Committee on Labor and Education, and Andrew J. May followed Lister Hill as head of the House Military Affairs Committee. Maneuvering for committee positions, however, is a continuous process. New members, like Bruce Barton, take the vacancies left after veterans are promoted. Thus Mr. Jenks left the Labor Committee to get on Naval Affairs, and Mr. Barton was assigned to the committees on Labor, Census, and Indian Affairs.[4] Similarly, John McSweeney, a fourth term Ohio Democrat who had reëntered the House after an electoral defeat, was quickly promoted to the exclusive Foreign Affairs Committee, thereby creating vacancies on Rivers and Harbors, Coinage, Weights and Measures, Patents, and Elections No. 2.[5]

The effect of awarding chairmanships on the basis of consecutive committee service is well illustrated by the careers of two members of the present House Committee on Rules. John O'Connor, entering the House on November 6, 1923, was extremely fortunate in being assigned immediately to the Rules Committee. Upon the death of Edward Pou, and the elevation to the speakership of William B. Bankhead, Mr. O'Connor thus became chairman of this powerful committee in slightly over a decade of House service. Mr. Adolph J. Sabath, the present dean of the House, however, is not now chairman of any standing committee. He entered with the 60th Congress in 1907 and was assigned to the committees on Alcoholic Liquor Traffic and Immigration and Naturalization. In the 62nd Congress, he was also assigned to Interstate and Foreign Commerce, whence two years later, when he became chairman of Alcoholic Liquor Traffic, he was transferred to Expenditures on Public Buildings. During the 64th and 65th Congresses, he retained his chairmanship, was ranking member on Immigration and Naturalization, and also a majority member of Foreign Affairs and Expenditures on Public Buildings. With the advent of Prohibition and Republican control of Congress in 1919, he was shorn of two committee places, although among the minority he ranked first on Immigration and fifth on Foreign Affairs. During the 68th Congress, when John O'Connor first entered, Sabath lost his third minority ranking on Foreign Affairs, remaining on one committee only. Two years later, however, he was added to both Claims and Insular Affairs. Finally, during the 71st Congress he surrendered everything for the last minority place on the Rules Committee, ranking next behind O'Connor.[6] Now, a decade later, with the primary defeat of Representative O'Connor, he has announced to his constituents that he "accepts" the chairmanship of the Rules Committee for the ensuing Congress.[7]

[4] *Record*, 2nd session, p. 551. [5] *Ibid.*, p. 779.
[6] This information has been gleaned from the *Congressional Directory*.
[7] New York *Herald-Tribune*, September 21, 1938.

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Conference committees were necessary to adjust differences between the two legislative chambers over 59 measures, including 14 private bills. One bill died in conference as the session ended. All of the private bills were considered by a committee of three managers from each house. For the public bills, the chambers were evenly represented in 20 committees; the House had superior numbers in 19 instances, and the Senate in six. Conference committees on public bills averaged slightly less than 11 men each.[8] Such bulk is partially due to the practice of appointing entire House sub-committees to negotiate compromises on appropriation bills. Furthermore, the growing habit of rewriting legislation in conference creates pressure from all interests for adequate representation. Some confusion still exists pertaining to the *modus operandi* of a conference committee. A majority vote of the entire committee does not control, but a majority of the managers from each legislative branch must accept every provision of an agreement. Thus four conferees devoted to the undistributed corporate profits tax, controlling the House delegation, held in check eight others who demanded its repeal, finally compelling a compromise.[9]

Fair Labor Standards. The legislative history of the minimum wage and maximum hours bill illuminates many aspects of our national law-making process. The Democratic party could honestly interpret the 1936 verdict only as a clear popular mandate to fulfill the pledges of both its platform and presidential candidate to reduce long working hours and raise substandard wages. Regulations already existed which were applicable to railroad labor and persons employed under government contracts. It was, nevertheless, politically unwise and administratively impossible to apply this principle to certain sectors, including much of agricultural production, of our economic life. Furthermore, even with sympathetic judicial interpretation, constitutional restrictions greatly limited the sphere of federal labor legislation. Thus the execution of such party pledges encounters formidable obstacles in our constitutional democracy.

Ordinarily, when a vigorous minority with the electoral strength of organized labor obtains presidential sanction for its legislative demands, Congress is happy to acquiesce quickly. Mr. Roosevelt reasoned, however, that a coöperative judiciary was the *sine qua non* of successful social legislation.[10] Consequently, it was not until after the Court reform embroglio, an unofficial agreement having been reached between legislators, union leaders, and Labor Department officials, that the President, on May 24, 1937, requested Congress to "extend the frontiers of social progress" by legislation, constitutionally based on the interstate com-

[8] Data taken from House *Calendars*. [9] *Record*, 3rd session, p. 8817.

[10] For a discussion of the Court issue, see the 1937 article in this REVIEW series, p. 1085.

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merce power, establishing fair labor standards. Administration bills were promptly introduced by Senator Black and Representative William Connery. That Mr. Black is now in a preëminent judicial position to defend the measure's constitutionality is hardly a mere coincidence.

Before a joint congressional committee, the leaders of the various labor factions officially acknowledged their approval of the Black-Connery bill. During Senate debate, the frontal assault on S. 2475 was not strenuous, although flank attacks resulted in the adoption of several emasculating amendments to exempt specific occupations. Upon its final passage by a two-to-one vote on July 31, quiet support came from Republican Senator Lodge and other Northerners who hoped that the measure would operate mainly to raise costs of production in competing Southern industries.[11]

Although the House Labor Committee promptly reported the Senate measure with amendments, no further action was obtained during the first session. This was because the Rules Committee, dominated by a coalition of Republicans and Southern Democrats, declined to report a rule giving the bill a privileged status. Lacking unanimous consent, it was almost impossible to obtain consideration for such important controversial unprivileged legislation, especially so late in a session, without the benefit of the customary special rule. Mrs. Norton, who had inherited the Labor committee chairmanship upon the death of William Connery, did not dare move to pass the bill under suspension of the rules, for that required a two-thirds vote and allowed but 40 minutes of debate.[12] The motion, moreover, could be made only on the first and third Mondays of each month or during the last six days of a session.[13] The suggestion that Calendar Wednesday be utilized was thoroughly impracticable. During the life of the 75th Congress, the Labor Committee was called on Calendar Wednesday but four times; the first call subsequent to the reporting of the Labor Standards Act came on the 23rd of the following March. Moreover, the maximum consideration allowed by this method is two hours.[14]

The sole recourse was to file a motion to discharge the Rules Committee from considering a resolution giving the measure special privilege. This motion requires the seconding signatures of a majority of the House membership, and is in order only after such a resolution has been before the Rules Committee for seven days. Thereafter, on any second or fourth Monday in the month, except during the last six days of the session, providing seven more days have elapsed, a vote to discharge is in order after

[11] Mr. Lodge contended that without differentials the Labor bill was "national," but with them it was a "sectional" measure. He added that he would never cast a "sectional" vote. Personal interview, October, 1937.

[12] House *Manual*, 1934, Par. 903.

[13] *Ibid.*, Par. 902. [14] *Ibid.*, Par. 897.

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only 20 minutes of debate.[15] As the use of this discharge formula would have meant the further prolongation of the first session, the attempt to pass the Labor bill was postponed to the next sitting of Congress.

Thus the majority *bloc* in the Committee on Rules was able to thwart the President and the House membership. This committee, supposedly the servant of the House with the duty of facilitating the expression of majority will and preventing minority obstruction, usurped the function of legislative committees in refusing to act on a bill meeting its disapprobation. The members dared exercise this power because they came from "safe" districts, and because the leaders of organized labor had noticeably cooled in their affection for the measure.

At the annual convention of the American Federation of Labor during the summer congressional recess, William Green decided to oppose the measure in its existing form.[16] Mr. Lewis, though critical of various features, continued to lend lukewarm support. Changed economic conditions, the sectional controversy, and the enervating fear that enhanced public authority would endanger labor's use of economic pressures in collective bargaining, impelled Mr. Green to demand a simple, inflexible statute administered by the Department of Labor. Administration pressure persisted, however, for adoption of the Senate formula, to be administered by a five-man tribunal enjoying considerable discretion.

During the special session, the Rules Committee remaining adamant, Mrs. Norton filed a discharge petition to bring before the House S. 2475, still on the Union Calendar. As available signatures proved insufficient, after consulting Secretary Perkins and Messrs. Green and Lewis,[17] she announced that the Labor Committee would sponsor a substitute bill to be offered on the House floor as an amendment to the Senate bill.[18] Aided by the House leadership, the necessary additional signatures were soon obtained, some early signers now alleging trickery.

On December 13, 1937, the House voted 285 to 125 to discharge the Rules Committee from consideration of H. Res. 312, a resolution providing that, after four hours of general debate, S. 2475 should be read for amendment under the five-minute rule.[19] This meant that the rejected S. 2475 would be read and debated for four hours, after which Mrs. Norton would have five minutes in which to explain the committee's substitute. Furthermore, there were now circulating several substitutes, including

[15] *Ibid.*, Par. 908.

[16] *Record*, 2nd session, p. 2051. "They went out to Denver and had a convention. Mr. Green was overruled, and the men who have been fighting this bill in the A. F. of L. all along are still here fighting it. They have forced President Green to change his position." *Ibid.*, and p. 1957.

[17] *Record*, 2nd session, p. 551.

[18] The chief change was to substitute a single administrator for the five-man board. *Record*, 2nd session, pp. 551 and 1843.

[19] *Record*, 2nd session, pp. 1837–41.

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an official American Federation of Labor bill sent by Mr. Green to be offered as an amendment to the amendment. By unanimous consent, general debate was extended two hours.[20] During the first afternoon of reading under the five-minute rule, there were 38 legitimate parliamentary inquiries and a plethora of points of order.[21] Despite careful attempts by the chair to clarify the parliamentary situation, almost hopeless procedural tangles were recurrent. Even part of the Committee substitute was ruled not germane.[22] Unanimous consent was ultimately received to read for amendment the committee substitute as if it were an original bill. Although a like privilege was denied to other substitutes, unanimous consent was frequently granted for time extensions.

The chairman of the Committee of the Whole, helping Mrs. Norton in every legitimate way, denied recognition to Representative Dockweiler, who had advertised his intention of introducing the Green amendment. This strategy was negated, however, when a sympathetic member of the Labor Committee, who had priority of recognition, presented the A. F. of L. substitute.[23] The child labor provisions were also the cause of notable controversies. Delays and errors by the printer further contributed to the growing conviction that nothing constructive could emerge from such utter confusion. A majority of representatives desired wage and hour legislation, but unity on any specific proposal was impossible. Undoubtedly, the bill was badly managed, even considering procedural handicaps.

One cause of the bill's failure was the number of exemptions written into it by amendment. Too many situations were discovered demanding special treatment. Unfriendly legislators first tried to exempt everything in their districts. A Florida representative wanted "to exempt from the provisions of the bill persons employed in forestry or in the taking of fish, sea food, and sponges, or in the turpentine industry."[24] Others made similar demands.

Hope for the bill's passage was based on three factors: labor's reliable friends, presidential influence, and farmer-labor log-rolling. As the farmers had more regular legislative adherents than had organized labor, and as the farm bill reached a vote first, the labor representatives were at a disadvantage. Every Democratic member of the Labor Committee but one supported the farm bill,[25] Mrs. Norton announcing: "I represent a city district in which there are located no farmers. The nearest I have ever been to a farm is to pass one along the road in an automobile. There-

[20] *Ibid.*, p. 1842. [21] *Ibid.*, pp. 2026–60. [22] *Ibid.*, p. 2036.

[23] Mr. Griswold stated: "Mr. Dockweiler cannot, under the rules, obtain recognition, so I have refrained from offering the substitute I intended to offer, and at Mr. Dockweiler's request am now offering this substitute." *Record*, 2nd session, p. 2050. Mr. Green also offered an entire bill to the third session on February 25. *Ibid.*, 3rd session, p. 3301. [24] *Record*, 2nd session, p. 2053. [25] *Ibid.*, p. 1699.

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fore, any opinion I may have regarding the farm bill would amount to very little . . . I intend to vote for the bill as is."[26] Such tactics, however, did not guarantee reciprocity. The National Grange urged the bill's defeat, although the Farmers' Holiday Association condemned "any attempt to divide the forces of farmers and labor.[27]"

Administration influence could not save the bill when labor's friends divided. The final sessions on the bill were devoted largely to reading testimonials from labor leaders. Among favorable advices was one from Homer Martin, as follows: "Our union considers it vital to the security and welfare of its members that you cast your vote and use your influence in favor of the Black-Connery fair labor standards bill . . . This is not a political threat but a frank expression of conviction and fair notice that representatives who do not represent cannot expect support."[28] The exhortation heeded by many puzzled congressmen, however, was by William Green, who telegraphed each member, after the defeat of his substitute 162 to 131,[29] that the pending bill "is highly objectionable to membership of American Federation of Labor" and should be recommitted for "revision, study, and necessary changes."[30] Recommitted it was, 216 to 198.

The sequel to this Administration defeat is also significant, but as an illustration of sound political management. Needing a victory to compensate for their errors, all labor factions began to coöperate with the Labor Department in drafting a compromise. The President solicited and won political support for the bill from Southern states, and kept the issue before the American people in public addresses. In his "fireside chat" of April 14, 1938, calling for a new "pump-priming" recovery drive, he urged that a wage-hour bill be enacted "at this session." A week later, the House Labor committee once again reported S. 2475 with a proposed substitute which Mrs. Norton stated was "entirely different in form, method of administration, and philosophy from that presented to you at the special session."[31] The labor standards established were less flexible, more pleasing to the A. F. of L. and Northern industry, but also low enough not to embarrass greatly the South for several years. Its pro-

[26] *Ibid.*, p. 913.

[27] *Ibid.*, p. 1961. During the following February, Mr. O'Connor stated: " . . . we had certain assurances of reciprocity. For instance, at the time in the closing days of the first session of this Congress when some of us stood at this door to the Speaker's lobby and got the votes necessary to pass the cotton bill, we had pretty definite assurances that we would get considerable help from a certain section of this country on the wages and hour bill. History records the result of that hard and fast agreement." *Ibid.*, 3rd session, p. 2126. See also *ibid.*, 2nd session, p. 945, for text of resolution by Representative Fish to investigate stories of swapping farm and labor votes.

[28] *Ibid.*, 2nd session, p. 2134.

[29] *Ibid.*, p. 2060.

[30] *Ibid.*, p. 2147.

[31] *Ibid.*, 3rd session, p. 9579.

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ponents now alleged that "this bill is supported by the American Federation of Labor, the Committee for Industrial Organization, and the four brotherhoods . . . It is favored by Labor's Nonpartisan League. In truth, it is a piece of legislation which seeks to protect labor all over our country."[32]

The Rules Committee, however, refused to stultify itself, although a New England Republican member, motivated as Senator Lodge had been, now joined hands with the Labor Committee.[33] On April 30, President Roosevelt sent a telegram to Mrs. Norton deploring the undemocratic attitude of the Rules Committee, and endorsing the use of the discharge petition again.[34] The primary victory of Senator Pepper, Florida New Dealer, on May 3, buoyed Administration prestige. On May 6, the discharge petition was filed. With Administration leaders dominant, the necessary 218 signatures were obtained in two hours and twenty minutes. Some members were chagrined that they appeared too late to get on the "honor roll."[35] On May 23, the House voted, 322 to 73, to consider the bill.

With the stage now set with more parliamentary skill, with New Deal leaders riding a rising political tide, the Labor Committee easily retained mastery of the House. Constrictive amendments, save one demanded by agricultural organizations,[36] were voted down. Whereas the newly elected brother of "Billy" Connery had requested that Billy's name be deleted from the title of the previous bill (because Billy always followed William Green),[37] the blessing of the deceased representative was now vicariously bestowed on the new substitute.[38] The House was held in session nearly 12 hours on the second day of debate in order to pass the substitute bill by a vote of 314 to 97.[39]

Earlier in the session, the farm bill conferees had produced a new bill differing in some respects from both the House and Senate versions. The legality of this procedure was promptly challenged in the Senate. After lengthy argument, the Vice-President ruled that where one branch "passes an entirely new bill as a substitute for the bill of the other house, there is very little limitation placed on the discretion of the conferees, except as to germaneness."[40] As that precedent was applicable to the Fair Labor Standards bill, where only the number S. 2475 remained of the Senate version, every section wanted to get men on the conference

[32] *Ibid.*, p. 9596.
[33] Representative Joseph W. Martin, from a textile area in Massachusetts.
[34] New York *Times*, May 3, 1938.
[35] *Ibid.*, May 7, 1938, and *Record*, 3rd session, p. 8465.
[36] *Record*, 3rd session, pp. 9741 and 9747.
[37] *Ibid.*, 2nd session, pp. 1977 and 2052. [38] *Ibid.*, 3rd session, p. 9623.
[39] *Ibid.*, p. 9788. [40] *Ibid.*, p. 2414.

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committees from both House and Senate. A filibuster was threatened in the Senate if Southerners who favored sectional differentials were not included in the conference.[41] Acceding to these demands, a conference committee of 14 was selected, representing all the economic interests directly involved.[42] It sat as a third branch of the legislature trying to reconcile divergent sectional claims. After two weeks of difficult negotiation, the conferees accepted a formula described as being neither the Senate bill nor the House bill, but "really and truly a new bill, based on the philosophy of each."[43] On June 14, the conference report was accepted by the House, 291 to 89, and by the Senate without a roll call.[44] With the President's signature on June 25, his political success was converted into an administrative problem.

Administrative Reorganization. An administrative problem which was not converted into a political success involved the reorganization of the executive departments. A carefully prepared Roosevelt program, after being mangled by amendments, was completely rejected. The manner in which Congress handled this issue, rather than the substance of proposed measures, is of primary concern here. The story involves presidential power, party pledges, parliamentary procedure, and pressure politics.

For years, the glaring necessity of administrative reorganization has been universally recognized by legislators, executives, and political scientists. Although prominently stressed in platform promises and campaign speeches, no practical solution has been evolved. Congressional majorities have been lacking for all important specific suggestions. With the expansion of public functions under the New Deal, moreover, the situation has steadily grown worse. In 1936, when there was much rivalry between groups to propose remedies, the President designated three eminent political scientists to make exhaustive investigations and submit concrete recommendations. On January 12, 1937, the non-partisan report of this distinguished Committee on Administrative Management was endorsed *in toto* by Mr. Roosevelt and transmitted to Congress.

The House and Senate promptly established a joint select committee on government reorganization, the component elements of which, not working together harmoniously, soon dissolved into two separate committees. The representatives opted to cover the subject in several bills, whereas the Senate committee sponsored an omnibus measure. On July 27, 1937, without extensive or acrimonious debate, the House passed a bill, 260 to 88, providing six presidential secretaries. In the middle of August, it similarly accepted, 283 to 76, a measure granting to the Presi-

[41] New York *Times*, May 25–27, 1938.
[42] *Ibid.*, and *Record*, 3rd session, pp. 9951–2.
[43] New York *Times*, June 13, 1938.
[44] *Record*, 3rd session, pp. 12049 and 12124.

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dent general power to redistribute administrative bureaus. When Congress adjourned shortly thereafter, an omnibus bill had been favorably reported to the Senate, and proposals to reorganize the civil service and auditing and accounting systems awaited action on the House Union Calendar. While the committees had culled several politically objectionable provisions from among the recommendations, and rewritten many, they had generally shown a commendable disposition to follow expert advice in promoting efficient national administration. Had it not been for the bitterness aroused by the court reform controversy, any prediction of the project's ultimate failure would have then seemed absurd.

To obviate a filibuster and facilitate adjournment of the first session, the Senate made an anti-lynching bill the special order after the farm bill at its next session. When the special session convened in November, the agricultural measure being still in committee, Mr. Byrnes sought consideration for the Reorganization bill. The Senate leadership, however, had decided that Senator Wagner should be recognized to move to take up his anti-lynching bill. Learning of this, Mr. Byrnes obtained the floor during the morning hour to explain: "At the conclusion of the morning business [2 P.M.], it will be in order for any member of the Senate to move to take up a bill. . . . I know, however, when I rise at that time the Vice-President will not be able to see me or to hear me. . . . There is no doubt but that I will not be able to make the motion" to consider the Reorganization bill.[45] "It would be my hope to dispose of it within a short time. If the Senate could act upon the bill pending on the Senate Calendar, [it] would go to conference, and in conference the difference between the Houses could be ironed out while the Senate was working on the agricultural bill . . . "[46] Following a suggestion from Senator King, Byrnes retained the floor until 2 P.M., when he made his motion. The chair, however, heard only Senator Wagner,[47] whose motion was still being debated one week later when the farm bill arrived.

Three months later, on February 25, 1938, having passed the act "to provide an adequate and balanced flow of the major agricultural com-

[45] *Record*, 2nd session, p. 43. [46] *Ibid.*, p. 44.

[47] *Ibid.*, p. 54. Mr. Byrnes queried: "Is there among the precedents of the Senate any instance where a Senator speaking at 2 o'clock was taken off his feet and another Senator recognized?" (p. 57). To this there was no official reply. Prearranged recognition, however, is common in the Senate as well as the House. "The Senator from California called the Chair this morning over the telephone and asked to be recognized. . . . The Senator from Minnesota visited the office of the Chair this morning and said he also would like to make some remarks. The Senator from Kentucky told the Chair this morning that he would like to have about 10 minutes. Now the Senator from Oregon has expressed his wish to have some time, as has the [other] Senator from California. That is the status of requests to the Chair up to this time." *Ibid.*, 3rd session, p. 2458.

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modities in interstate and foreign commerce," and having permanently detoured the proposition for the "prevention of and punishment for lynching," the Senate made S. 3331, the revised omnibus bill, its unfinished business.[48] Debate proceeded leisurely, with frequent interruptions for appropriation bills, and lengthy oratorical asides on irrelevant topics of current interest. The first important vote came on March 15, when the civil service provisions were sustained by a vote of 50 to 38.[49] Three days later, Senator Wheeler's amendment, supported by every Republican, requiring specific congressional sanction for all administrative changes, was defeated 43 to 39.[50] The next assault came from Senator Byrd, a rival reorganizer interested primarily in economy, whose amendment to curtail all expenditures by 10 per cent was defeated 56 to 28.[51] One Republican supported the Administration. Another Byrd proposal, to eliminate the General Auditing Office and restore the Comptroller-General, was defeated 47 to 36. The Administration had a small but safe majority pledged to the bill's enactment.

In the meantime, however, a rising hurricane of opposition had been spreading throughout the country. The arbitrary action of the German Führer in proclaiming Austrian *anschluss* had created widespread dread of executive power. Herr Hitler had gained control under the Weimar constitution and turned tyrant. Could not Mr. Roosevelt or his successors do the same? The Russian "purges" and the President's current summary removal for "contumacy" of A. E. Morgan as head of T.V.A. contributed to the growing phobia on presidential authority.[52] To preserve our liberties, were not more shackles needed on governmental power? It was better to leave the administration unreformed than entrust even temporary discretion to the Chief Executive. Besides, did not the job of reorganization belong to Congress?

Much of this wave of fear was the result of deliberate propaganda. Alarm was manufactured by great newspapers, cunning political opponents, and demagogues like Father Coughlin. Humble citizens were led to believe that the passage of the "dictator" bill would mark the end of American political freedom. National unity began to disintegrate. Most articulate minorities, with the singular exception of the C.I.O., began to demand exemption from the bill's operation. The American Legion importuned Congress to grant immunity to the Veterans' Bureau; Senator Clark's amendment to that effect failed by a tie vote.[53] The Forestry Service got the backing of powerful agricultural organizations, as well as the General Federation of Women's Clubs, for its demand to remain untouched in the Department of Agriculture. An amendment for

[48] *Ibid.*, 3rd session, p. 3293. [49] *Ibid.*, p. 4524. [50] *Ibid.*, p. 4865.
[51] *Ibid.*, p. 4972. [52] *Ibid.*, p. 5216. [53] *Ibid.*, p. 5083.

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that purpose failed in the Senate, 50 to 33.[54] Frank E. Gannett, as chairman of the "National Committee to Uphold Constitutional Government," fulminated steadily against the bill and contended that "the country would be mighty glad if Congress would stop piddling with debatable or unessential reforms and work exclusively for recovery."[55] The National Coöperative Milk Producers' Association sent a vigorous protest.[56] Mr. William Green asseverated that the delegation of authority to the executive to reshuffle public agencies was "highly objectionable to labor" and that congressional "power ought to be broadened and extended, but never curtailed nor surrendered."[57] He urged that the measure be recommitted; but a motion to that effect on March 28 failed, 48 to 43, just prior to final passage, 49 to 42.[58]

The victorious Senate majority asserted that Congress had given ample demonstration of its incapacity to reorganize, and that the sole remaining recourse was to delegate limited discretion to the President to redistribute and consolidate governmental agencies. It denied that potent executive authority, when constitutionally bestowed and democratically controlled, is akin to dictatorship, and affirmed that such authority is the greatest bulwark against tyranny. If public officials have inadequate power to dispose of exigent problems, the people may lose confidence in their government and permit its overthrow by those who can and will act.

It was further alleged that organized minorities, unwilling to share sacrifices for the common welfare, fear a strong president because he, by political necessity, must serve the national interest. Legislators, however, responsible only to small segments of the population, are highly susceptible to the threats of pressure groups. Thus, to argue for strong congressional power is to advocate sacrifice of the general welfare in behalf of aggressive political minorities. Such government has elsewhere led to dictatorship.

Few legislators openly espoused either line of reasoning here outlined, being motivated by a multitude of considerations. Many were patently for or against President Roosevelt. Others had previously traded their votes on this issue. Some were simply A.F. of L. or C.I.O. or Farm Bureau Federation men. Many, however, sincerely perturbed by the menace of dictatorship, gravitated into warring camps seeking to preserve American liberty.

Parliamentary technicalities were not unimportant. On an earlier vote, less violent opposition would have been encountered. On March 18, Mr. Barkley secured unanimous consent to limit discussion by each senator to 30 minutes on the bill and 15 minutes per amendment.[59] On

[54] *Ibid.*, p. 5078. [55] *Ibid.*, p. 5211. [56] *Ibid.*, p. 5319.
[57] *Ibid.*, p. 5077. For a refutation of some Green allegations, *ibid.*, p. 5319.
[58] *Ibid.*, pp. 5529–30. [59] *Ibid.*, p. 4877.

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March 24, wishing to "call the calendar for unobjected bills," and to pass his resolution to investigate the T.V.A., the majority leader secured another agreement providing that on March 28 Senators Byrnes and Walsh should parcel out the time until 3 P.M., whereupon, without further discussion, all necessary votes would be taken.[60] When the Senate resumed consideration of S. 3331, on the 28th, a unique full-dress formal debate took place, each senator condensing his choice remarks into a ten-minute address. With the favorable Senate vote, the Administration's great desire was to maneuver the bill to conference. In that strategic stronghold, repairs could be made and the bill reported back at an auspicious moment.

Had the Reorganization Committee reported one of the House bills with its own version as a proposed amendment, conferees could have been appointed immediately. Mr. Byrnes, however, sought unanimous consent to take up H.R. 8202, strike out all after the the enacting clause, and substitute the text of the Senate bill.[61] There was objection. He then so moved, but was told that the debate agreement forbade any new motions after 3 P.M., prior to a final vote on S. 3331. After final passage, Mr. Byrnes again moved to take up H.R. 8202. As this question was debatable, a filibuster began, Senator Burke asserting that the mover's purpose was to deprive the House of an opportunity to pass on the Senate omnibus bill "other than in the consideration of the conference report, and everyone . . . knows that this is an extreme limitation."[62] Senator Byrnes shortly capitulated, withdrew his motion, and "messaged" S. 3331 to the lower chamber.[63] His parliamentary blunder may have been responsible for the measure's eventual defeat.

Mr. Cochran, chairman of the House Reorganization Committee, promptly announced that S. 3331 would be reported immediately with the text of the four House bills, two of which had previously been accepted by large majorities, as a committee substitute amendment.[64] The Republicans demanded fresh hearings and delay in order to "hear from the people";[65] the minority leader, Snell, objected to a unanimous consent request to limit general debate to six hours.[66] Because the select committee previously had been given high privilege, S. 3331 was called up for consideration within three days of final Senate action. As Chairman O'Connor of the Rules Committee was fighting the reorganization plan, no effort was made to obtain a special rule governing debate. The bill was

[60] *Ibid.*, p. 5318. [61] *Ibid.*, p. 5530. [62] *Ibid.*, p. 5531.
[63] *Ibid.*, p. 5533. [64] *Ibid.*, p. 5664.
[65] *Ibid.*, p. 5772. Mr. Andrews hoped that "the reorganization bill will be held up for a day or two, at least for a time, so that the American people can exercise their inalienable right to send a letter or telegram if they choose."
[66] *Ibid.*, p. 5762.

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debated under the regular house rules placing a one-hour time limit on all speakers, and permitting them to yield portions of their time.[67] It was Mr. Cochran's intent, after six or eight hours of discussion, to have the Committee of the Whole rise, and then move to close debate, a motion requiring a simple majority for adoption.[68] Confident of this strategy, the Democratic leadership objected to proposals limiting debate to 16 hours.[69]

Consideration began amidst parliamentary tangles. Obstructionist tactics obtained delay and exacerbated antagonism. The lengthy Senate version had to be read in full, although none was interested in its contents. Points of order, quorum calls, and even questions of personal privilege, were part of a general conspiracy to hamper discussion. Patient spectators in the gallery muttered that convincing evidence was being offered that probably our greatest need was *legislative* reorganization.[70]

Upon these legislators was placed the responsibility, in an election year, of withstanding an avalanche of telegrams, and of resisting hordes of frantic appeals to save the country from dictatorship. The crusade of criticism rose in a new crescendo as they wrestled with the details of the measure. It was almost impossible to make an emotional appeal for administrative reform, but there were few limitations on the opponent's appeal to human fear. The President himself took up the burden of defense. Denying that he wanted to be a dictator,[71] he began to negotiate concessions to appease powerful animosities. One agency after another was exempted; Congress was given authority to disapprove of changes by concurrent resolution requiring but a majority vote.[72] In this atmosphere of hysterical fear, however, new ghosts constantly appeared. An exemption of the Bureau of Education was necessary because "a vile, malicious, and damnable whispering campaign has surged through the country to arouse and disturb a great church."[73] The President wanted to move the Bureau of Education in order to seize control of the youth from the Catholic church!

The representatives could not endure the pressure. The battle raged for days with indecisive results. Debate could not be curtailed, nor could the bill's opponents do more than cripple it by amendment. After seven days of furious debate and some fervid oratory, a motion to recommit, as demanded by several powerful lobbies, prevailed by the close vote of 204 to 196.[74] Everyone agreed that it was a political reverse for President Roosevelt. Some interpreters hailed the vote as evidence of a great democracy's determination to remain unfettered; others sadly murmured that a virile democracy could never be created by sacrifice of the national

[67] *Ibid.*, p. 5824. [68] House *Manual*, 1934, Par. 804.
[69] *Record*, 3rd session, p. 5825. [70] Personal observation.
[71] *Record*, 3rd session, p. 5834. [72] *Ibid.*, p. 6071. [73] *Ibid.*
[74] *Ibid.*, p. 6697.

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interest because of the importunities of organized minorities, or by demonstrating popular distrust of responsible public officials.

Procedure. There were fewer protests by the House minority against legislative steam-rollers during the last two sessions of the 75th Congress than for many years. In general, ample opportunity was afforded for argument and elocution. Although consideration of appropriation bills was usually controlled through generous unanimous consent agreements, the House acted with celerity, all regular appropriations being voted by April 21.[75] The reorganization bill might have passed had its sponsors accepted a proffered 16-hour debate limitation. By unanimous consent, three days were devoted to general debate on the farm bill,[76] after which the amending process consumed seven more days.[77] Twelve hours were assigned by special rule to the Naval Expansion bill for open argument.[78] A unanimous consent agreement allowed 13 hours to be used on the Revenue Act prior to reading for amendment under the customary arrangement.[79] After 12 hours of free discussion on the Recovery measure, a "tight" rule was utilized to cover the dangerous amending process.[80] Other measures, such as those dealing with merchant marine, judges, food and drugs, and the T.V.A. investigation,[81] were allotted two hours by rule. Inasmuch as there were 34 Calendar Wednesdays during the 75th Congress, as compared to eight such occasions during the preceding biennium, better facilities were provided for the consideration of bills of medium importance.[82]

There was complaint over the rule limiting debate to four hours, and outlawing points of order, on the 120-page revised Farm bill which emerged from conference. Although this rule was called a "parliamentary outrage,"[83] it was actually a time concession, as conference reports can be accepted promptly under the regular rules.[84] The most serious grievance of the representatives, however, was the denial of the desire of a majority to consider certain bills. The recalcitrancy of the Rules Committee with regard to the Labor Standards bill has already been mentioned. It was, nevertheless, blameless for the predicament of the Ludlow War Referendum resolution still interred in the Judiciary Committee.

[75] *Record*, 3rd session, p. 7462. [76] House *Calendars*, December 1, 1937.

[77] Representative Warren stated: "I think . . . that this measure has required a longer time for consideration . . . than any measure . . . during my 13 years of service." *Record*, 2nd session, p. 1540. Another stated: "I have never known a bill to be given more careful and considerate attention." *Ibid.*, p. 1672.

[78] *Ibid.*, 3rd session, p. 4358. [79] *Ibid.*, p. 3706. [80] *Ibid.*, p. 8773.

[81] This was a joint resolution, requiring presidential action, rather than a concurrent resolution customary for legislative investigations. *Ibid.*, p. 5774.

[82] Final edition of House *Calendars*, 1938, p. 5.

[83] *Record*, 3rd session, p. 2121. [84] *Ibid.*, p. 2125.

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The Ludlow followers could have directed their discharge motion at the legislative committee retaining the Referendum resolution, but this would not have guaranteed House consideration. Consequently, they sought to discharge the Rules Committee, as was done in the first session with respect to an anti-lynching bill, from consideration of a special rule giving privilege to their resolution. This procedure was permissible, though it would have been improper, the Referendum resolution not being on a House calendar, for the Rules Committee to report such a rule.[85] In this anomalous manner, 218 petition-signers brought before the House the question of considering Mr. Ludlow's resolution. As only 20 minutes of debate, 10 on a side, is permitted on the motion to discharge, members took time on an appropriation bill to air their views. The President's overt opposition[86] contributed heavily to the decision, by a vote of 209 to 188, not to consider the resolution, 51 signatories being in the new majority.[87]

The unpredictable Senate gave most bills but a cursory glance, spending its time in prolix deliberation over a few important measures. Appropriation bills were generally accepted as reported from committee. Thus the first deficiency act took approximately 30 minutes. The Interior bill had one day, and the Independent Offices bill less than two days of general discussion. On the other hand, efforts had to be made to restrain debate on the Farm, Anti-lynching, Recovery, Reorganization, and Naval Expansion measures. That the procedural facilities for this purpose are palpably inadequate was once again demonstrated. The minority's right to talk was given precedence over the majority's right to act. The closure rule proved useless. The Senate custom of accepting equitable unanimous consent agreements was helpful in several instances, but the innovation of *pro forma* amendments helped defeat their objective.[88]

The extent to which one man can upset Senate procedure is well illustrated by the brief filibuster of Senator Clark, who wanted wide publicity for his speech against the Naval Appropriations measure. Most of the reporters had quitted the gallery, expecting the Senate to recess when this routine bill was passed. Unable to persuade the leader to postpone the final vote until the next day, Mr. Clark, former House parliamentarian, took advantage of the Senate rules and prevented a vote. As the roll must be called in the Senate whenever the absence of a quorum is suggested, providing business has been transacted since the previous call, he alternated between making motions and compelling quorum calls. It

[85] *Ibid.*, 2nd session, pp. 1988–89, and 3rd session, p. 213.

[86] *Ibid.*, 3rd session, p. 345. [87] *Ibid.*, p. 350.

[88] *Ibid.*, 2nd session, pp. 1930 and 2075. On the Recovery measure, senators introduced amendments, discussed them as long as permitted under the consent agreement, and then withdrew them. *Ibid.*, 3rd session, p. 10650.

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concerned him not at all that his motions were laid on the table, or that a majority of the senators sat patiently in their seats after the ninth consecutive roll-call. The leadership finally capitulated, postponing the vote until after the Missouri senator should have spoken the following day.[89]

A history of the anti-lynching bill would be of value in studying American politics, legislative procedure, and constitutional law. To most senators, its political merits outbalanced its constitutional and administrative defects. Pushed through the House earlier by a discharge petition, it was defeated in the Senate by the obstinate refusal of a Southern cabal to allow the majority to vote. Political expediency seemed to dictate the positions taken by both sides. That the intensity of its advocacy did not equal the fervor of its denunciation possibly accounts for its failure. The complacency with which its abandonment was eventually received adds some evidence for the theory that filibusters succeed only against bad bills.[90]

This bill, H.R. 1507, was before the Senate toward the end of the first session, the first and last weeks of the second session, and for six weeks in the third session. Little was done to combat the filibuster except to recess rather than adjourn from day to day, thus limiting each senator to two speeches on the bill and each amendment. This became a regular feature of Senate procedure. The legislative day of January 5, 1938, lasted until April 19, when Senator Hiram Johnson was permitted to move an adjournment to honor a deceased California representative. The next "day" lasted through June 3, and the next until final adjournment. Thus the Senate sat for three legislative days during the third session,[91] but the possibility of multitudinous amendments nullifies any chance of breaking a filibuster under the regular rules.

The Senate has operated so long as a gentleman's club that two sets of rules have developed, one written and the other based on custom. Only after specific warning is it considered fair to enforce the written rules.[92] Ordinarily, for instance, to permit a quorum call, or insertion of material in the *Record*, does not take a senator off the floor or terminate a "speech." When one gets "technical," however, the possibilities of cavilling over petty points are enormous. The confusion wrought by such attempts led Senator Barkley, the majority leader, to state: "I agree that the rules of the Senate are the most archaic conglomeration of contradictory decisions that ever prevailed in any parliamentary or legislative

[89] *Ibid.*, 3rd session, pp. 5657–63 and 5733.

[90] See Lindsay Rogers, *The American Senate*, pp. 168–169. "Practically every proposal defeated by a filibuster has been unregretted by the country and rarely readvocated by its supporters."

[91] Accordingly, the Reverend ZeBarney T. Phillips, Senate chaplain, enjoyed extensive vacations.

[92] *Record*, 3rd session, pp. 953 and 1019.

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body. . . . I think the rules of the Senate ought to be revamped. They ought to be modernized. They ought to be so changed as to make the Senate a self-governing body, which it is not now."[93]

On numerous occasions, the services of the sergeant-at-arms were necessary to secure a quorum;[94] Mr. Barkley once intimated that senators were remaining outside the chamber to aggravate the difficulty of maintaining one.[95] He was afraid to order night sessions or make the issue a test of physical endurance lest he fail to muster the necessary support.[96] The sponsors of H.R. 1507 gambled on public opinion to break the filibuster, but even this failed them. Twice attempts were made to invoke the closure rule. Sixteen or more senators signed the necessary petition, but the Senate refused to restrict debate.[97] Even had there been the necessary two-thirds vote to apply Rule 22, every senator would still have had one hour to talk on the bill and each pending amendment.[98] After the second failure, Mr. Barkley moved to take up the supplementary relief bill. A majority quickly seized this opportunity, permanently displacing H.R. 1507, and ending the farce.

No presidential appointee failed of confirmation by the Senate. Popular reaction to the hasty approval of Mr. Black during the first session, however, tended to make Senate committees more cautious. Stanley Reed was confirmed as Supreme Court justice without objections or public comment.[99] Senator Austin's irrelevant verbosity did not harm Robert H. Jackson, approved as Solicitor-General, 62 to 4.[100] Thurman Arnold was accepted unanimously as Assistant Attorney-General after a committee investigation.[101] Senator Key Pittman talked on several days against E. K. Burlew as First Assistant Secretary of Interior, but confirmation was almost unanimous.[102] Senator Truman spoke disparagingly of District Attorney Milligan, who had prosecuted Pendergast election officials in Kansas City, Mo., but, as his senior colleague, the President, and public opinion favored the nominee, he made no real effort to block approval for a second term.[103] Rush D. Holt, however, maverick Democrat, carried his fight against the confirmation of F. Roy Yoke as internal revenue collector to the Senate floor. He asserted: "It has been a rule of the U. S. Senate that when a senator states that a person nominated to an office confined to his state, and his state alone, is personally obnoxious

[93] *Ibid.*, p. 1436. [94] *Ibid.*, p. 709. [95] *Ibid.*, p. 710.

[96] This was the basis for considerable criticism from Republicans, who alleged, when defending themselves for opposing closure, that the Democrats had made no real effort to break the filibuster. *Ibid.*, pp. 1555 and 2973–78.

[97] *Ibid.*, pp. 1442, 1556, 2491, and 2739. Neither time did the closure motion receive even a simple majority.

[98] There was a rush to propose amendments just prior to the closure vote. *Ibid.*, p. 1554. [99] *Ibid.*, p. 2979. [100] *Ibid.*, p. 1405.

[101] *Ibid.*, p. 3807. [102] *Ibid.*, p. 4552. [103] *Ibid.*, p. 5727.

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to him, the nomination should be rejected. Today I raise the issue of personal obnoxiousness."[104] The confirmation of Mr. Yoke, 46 to 15, is probably significant less for the abrogation of the custom of senatorial courtesy than for revealing the low standing of Mr. Holt among fellow-senators.[105] The youthful West Virginian has not played the game according to accepted political rules.[106]

External Pressures. The 75th Congress, due largely to the output of private acts, produced 1,759 laws and resolutions—more than any Congress in 30 years. About two-thirds of congressional business originated in the lower branch. The work was fairly evenly divided between the first and third sessions, the special session being credited with only five petty acts. Congress continued to act mainly as the arbiter between the President and organized minorities and among pressure groups. Legislation fared badly which did not have behind it the propulsive force of the Administration or some organized interest.

During the Congress, the President transmitted to the House two oral and 71 written messages, as well as 1,433 communications from the executive departments. He also disapproved 113 legislative products, in 84 instances by pocket veto. Explanations of his action, however, were always given. Three measures were repassed over his veto, two affecting farmers and one dealing with ex-soldiers.[107]

Last January, Mr. Roosevelt suggested, in his annual budget message, that he be given power to veto items in appropriation bills.[108] Although he had stated that "a respectable difference of opinion exists as to whether a . . . item veto power could be given to the President by legislation, or whether a constitutional amendment would be necessary,"[109] Mr. Woodrum, pilot of the Independent Offices Appropriation bill, secured the acceptance of an amendment to it giving the President authority "to eliminate or reduce by executive order, in whole or in part, any appropriation or appropriations made by this act, or any act or joint resolution, whenever, after investigation, he shall find and declare that such action will aid in balancing the budget or in reducing the public debt."[110] A strenuous protest began the next day against this presidential power to impound public funds. Legislation had been inserted in an appropriation bill when "only about 25 members were on the floor."[111] Moreover, "if this single-item veto amendment becomes law, it may develop that no congressman would dare oppose the Executive on anything."[112] Although

[104] *Ibid.*, p. 2658. [105] *Ibid.*, p. 468.

[106] *Ibid.*, p. 476. On another occasion, Senator Minton said of Mr. Holt: "He could put all his friends in a telephone booth." *Ibid.*, p. 6338.

[107] A bill extending low interest rates by federal land banks was repassed both years. *Record*, 3rd session, p. 12323. [108] *Ibid.*, p. 78. [109] *Ibid.*

[110] *Ibid.*, p. 447. [111] *Ibid.*, p. 542. [112] *Ibid.*, p. 543.

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support came from the minority leader, Snell,[113] the proposal was abandoned after considerable public discussion. The Senate was not interested, especially after a new spending program was inaugurated.

Although the President operated ordinarily with a high degree of political efficacy, his record on the tax bill was undistinguished. As economic progress faltered, the demand for repeal of the 1936 law taxing undistributed corporate surpluses grew more insistent; amidst business decline, Mr. Roosevelt's position behind the measure became strategically vulnerable. He conceded reluctantly that "unjust provisions should be removed provided such removal does not create new injustices. Modifications adequate to encourage productive enterprise" must not permit misuse of the corporate form or reduce aggregate tax revenues.[114]

After protracted investigation, the Ways and Means Committee recommended a bill retaining the controversial principle of existing law, but easing its application. In addition, the position of small corporations was definitely alleviated. The House, however, decisively rejected one provision, the so-called "third basket" providing "punitive" taxes on family or closely-held corporations.[115] The Senate, moreover, was even less tractable. It preferred to heed the exhortations of the business community by eliminating the surplus tax entirely, leaving most corporate levies at a flat rate irrespective of dividend distribution, and by modifying the capital gains tax.[116]

The conference committees long remained deadlocked. Mr. Roosevelt, seeking to augment the pressures customarily exerted by Treasury experts on tax-bill conferees, addressed a letter to the chairmen of the two delegations in which he denounced features of the Senate bill as striking "at the root of fundamental principles of taxation."[117] This was a clear invitation to the conferees to "legislate" rather than to reconcile differences. Although the Senate members resented this unusual interference, they could not become intransigent if the House conferees remained loyal to the President. A stalemate meant the retention of existing law and the denial of any relief to business.

Consequently, a compromise was eventually reached in which the principle of the undistributed profits tax was retained for two more years at a very low rate, and the Senate version of the capital gains tax accepted with minor alterations. Prompt acceptance greeted the conference report in both houses.[118] The President, however, not sharing congressional eagerness "to do something for business," yet not daring to veto the measure, waited until the last day possible before announcing that he

[113] *Ibid.*, p. 544. [114] *Ibid.*, 2nd session, p. 3.
[115] *Ibid.*, 3rd session, pp. 4158 and 4351. [116] *Ibid.*, p. 6774.
[117] New York *Times*, April 14, 1938.
[118] *Record*, 3rd session, pp. 8538 and 8822.

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would permit the bill to become law without his signature.[119] This oblique manner of validating legislation, previously unused for several administrations, and the President's critical speech, aroused the ire of the chairman of the Senate Finance Committee, Mr. Harrison, who arose in the Senate the next day to attack the President's reasoning.[120] In reporting the encounter, the public press, long hostile to the Administration on this issue, generally applauded the Senator.

Whereas the President could not control Congress on the questions of taxation and administrative reform, his leadership became popular when exerted in behalf of another huge spending program. That Congress would appropriate the funds was never in doubt. The sole issue was the degree of freedom to be allowed the Executive in the expenditure of them. Legislators, including the Republicans, who feared that the President might not spend public money to further their own political aspirations made beautiful appeals to preserve congressional prerogative, prestige, and dignity by "earmarking" the appropriations for specific purposes. Mr. Roosevelt, however, eloquently urging the need of great flexibility in administration to secure best results,[121] obtained a complete triumph.[122]

The organized pressure groups were never inactive. There was less loose talk about "swarms of lobbyists," but more respect was paid to the official "legislative agents" of the powerful interest-groups. Mr. Green probably sent as many messages to congressmen as did Mr. Roosevelt.[123] The Farm Bureau Federation was rarely denied a legislative favor, while the tax bill represented the sole important victory for conservative lobbyists. On the Reorganization bill particularly, these "legislative agents," collectively resembling a gerrymandered system of functional representation, defended before Congress the cause of minorities as opposed to the President, customarily the guardian of the national interest.

Politics. Partisanship was paramount in the consideration of numerous questions during the last congressional session. While the Republicans occasionally allowed debate to be conducted exclusively by Democratic

[119] New York *Times*, May 28, 1938. The announcement was made to an assembly of West Virginia homesteaders.

[120] Mr. Harrison prefaced his remarks by stating: "I concede to none of my Democratic brethren a greater degree of loyalty to the President than I. . . . In the future, as in the past, I shall resolve every doubt in favor of Administration policies, and vote for them. But when my judgment leads me in a different direction, I shall not permit a statement to be made without at least some defense that I was a part of a group and a body that abandoned important principles of American taxation." *Record*, 3rd session, p. 10121.

[121] *Ibid.*, p. 10676. [122] *Ibid.*, pp. 8982 and 12589.

[123] See, for examples, his endorsement of the bill providing for a bureau of fine arts in the Department of the Interior and his opposition to the Housing Act conference report. *Ibid.*, pp. 12315 and 1746.

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factions, their votes were cast almost solidly against the Democratic leadership. Only on the Recovery bill were they divided and the Democrats united, as in earlier sessions on New Deal legislation. On other measures, such as the Reorganization bill, the small compact Republican minority fully capitalized its nuisance value among quarreling Democrats. On six important Senate roll calls dealing with reorganization, one Republican vote was cast with and 80 against the Democratic leader. For the House motion to recommit this bill, the minority party strength of 88 was unanimous. The Republicans were against Senate closure on the anti-lynching bill, yet unanimously voted against laying the measure aside. They supported every "reform" which the Democrats did not want, but aided few which the majority party found acceptable.

A study of significant roll calls during the third session reveals that party and sectional considerations were inadequate to explain many senatorial votes. The senators from ten states adhere to different parties, yet only four pairs cancelled votes two-thirds of the time. Further evidence of sectionalism is shown in the fact that Walsh and Lodge of Massachusetts and LaFollette and Duffy of Wisconsin, though of different parties, voted alike two times out of three. Democratic senators from Rhode Island, West Virginia, and North Carolina, however, opposed each other two-thirds of the time; and in 14 other states senators of the same party disagreed on more than a third of recorded votes. The greatest harmony in voting was shown by Republican senators from Maine, Vermont, and North Dakota, and Democrats from South Carolina, Oklahoma, Louisiana, Alabama, Virginia, and Illinois.

Although the bludgeoning of Congress with patronage posts to secure adoption of legislation has been warmly defended, Mr. Roosevelt, shortly before the 1936 campaign, ordered the automatic nomination to postmasterships of the highest ranking candidate on civil service eligible lists. As this greatly hampered legislators in "recommending" candidates, Congress restored by statute presidential discretion to choose among the highest three. Senator McKellar argued "that a representative was presumed to know every person of any importance in his district, and was infinitely more capable of judging who would make good postmasters in the various towns in his district than could a civil service clerk in Washington."[124] He admitted later that, to possess such competence, the representative must also be a Democrat.[125]

Furthermore, the proposal to abolish Senate confirmation was defeated because "the restraining influence of having the Senate confirm the appointment of an officer is of enormous value in securing the right kind of an officer to fill the place."[126] How this "restraining influence" operates

[124] *Record*, 3rd session, p. 6794. [125] *Ibid.*, p. 6795. [126] *Ibid.*

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in practice was illustrated a few weeks later. Senator McKellar announced that "about three or four hundred nominations of postmasters have been submitted to the senators from the several states, and those senators have approved the nominations, which are now before the Senate. I ask unanimous consent that the nominations which have been approved by the senators be confirmed *en bloc* at this time, though they are not on the printed calendar."[127] Thus the Senate confirmed an unknown number of anonymous postmasters. To guarantee that only the "right kind" of civil servants are obtained, the Senate has continued its strenuous campaign for confirmation of all new employees earning more than $4,500 annually.[128]

As a gesture toward taking the postal service out of politics, the Democrats proposed to give life terms to all incumbents. The Republicans demanded that appointment for good behavior be limited to those who ranked highest in fresh competitive examinations. In a conference committee containing no Republican among its five Senate members,[129] a plan was evolved which gave the President three alternatives in filling vacancies. He could reappoint the incumbent upon passing a non-competitive examination, promote a lower postal employee in accordance with civil service regulations, or select a new official by competitive examination.[130] All new appointments were for indefinite tenure, which under the Myers case means, the House was assured, "that the President could remove any one of these postmasters, not only this president but any future president, at any time he saw fit to do so."[131]

Senator Hatch of New Mexico tried futilely to attach to the Postmasters bill a rider which "prohibits employees of the Federal Government, except elective officers, policy-making officers, from going as delegates to political conventions. It is an endeavor and an effort to remove employees of the Federal Government from politics and from political influences, and also to protect conventions and party affairs from the influence of Federal employees, and to prevent packed political conventions."[132] This worthy proposal, though of doubtful constitutionality, was defeated largely by the vigorous opposition of Mr. Barkley, the majority leader, as was another Hatch amendment in connection with the Relief-Recovery bill, that "no person whose compensation, or any part thereof, is paid from funds appropriated by this act shall use his official authority or influence for the purpose of interfering with an election or affecting the results thereof."[133] The majority leader might have championed these measures had he not needed the aid of friends on the federal

[127] *Ibid.*, p. 1198. [128] *Ibid.*, p. 9399.
[129] *Ibid.*, p. 8111, and House *Calendars*.
[130] *Record*, 3rd session, p. 10981. [131] *Ibid.*, p. 11729.
[132] *Ibid.*, p. 6820. [133] *Ibid.*, p. 10527.

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pay roll in meeting the primary challenge of Governor Chandler's state organization.[134] A possible explanation of Mr. Hatch's ardent advocacy of the amendments might be found in recently published accounts of indictments for political corruption in administering the W.P.A. involving associates of New Mexico's other senator.[135]

The adverse publicity received by the Administration on these votes led eventually to a gesture in the other direction. A sum of $10,000 was added to the fund for the customary special committee to investigate campaign expenditures; the committee was asked to scrutinize the political conduct of "not only all those who are employed by the Government directly, but all those employed by any state, or subdivision of the state, from funds supplied by the government of the United States."[136]

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State Legislation on Public Utilities, 1936–38. A survey of the state legislation on public utilities for the period 1936–38 reveals the continuation of certain trends which were pointed out in the article published by the author in this REVIEW in June, 1936.[1]

The period under consideration in the present article (1936–38) witnessed a marked extension of the exercise of regulatory functions by the Federal Government, and at the same time a notable strengthening of the powers and an increase in activities of the public utilities commissions in several states.

The regulation of rates by means of contracts between the TVA and municipalities, power districts, electric membership associations, and coöperatives was continued and extended,[2] while electric resale rates were greatly influenced, if not determined, by the conditions laid down by the federal Rural Electrification Administration and the PWA as a basis for loan agreements with state rural electrification authorities. The TVA has entered into contractual relations with municipalities, public electrical corporations, and private companies in Alabama, Arkansas, Georgia, Kentucky, Mississippi, and Tennessee.[3]

The contract between the city of Florence, Alabama (dated July 6,

[134] *Ibid.*, p. 7073. [135] New York *Times*, October 21, 1938.

[136] *Record*, 3rd session, p. 12630.

[1] The trends recorded were found in laws intended: (1) to further the creation of public corporations empowered to furnish public utility services; (2) to establish a new method of utilities regulation in the form of contractual relations between the Federal Government or federal agencies on the one hand and public utilities corporations on the other; (3) to stimulate municipal ownership and operation of selected public utilities. [2] See same article, pp. 528–531.

[3] For contracts, with specific details, see TVA, *Annual Report*, 1936, pp. 141–289; 1937, pp. 135–333.

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1936) may be taken as a typical example of utility regulation by means of a contract. The customary TVA schedule of resale rates is made a part of the contract.[4] The avowed purpose of the agreement is to insure wide and ample distribution of electricity in the area served by the municipality. The municipality binds itself by contract:

(1) To charge the consumers the rates set forth in the several schedules embodied in the contract, and not "to depart therefrom" or to make schedules for additional classes of consumers except by agreement with the TVA; to negotiate and agree with the TVA upon an increase in the resale rates and surcharges, and to put the same into effect when it appears that the current rates and surcharges "do not produce revenues sufficient to operate and maintain the municipality's electric system on a self-supporting and financially sound basis," and to meet charges for interest and amortization of debt applicable to the electric system.[5]

(2) To use the revenues accruing from the sale of electricity only for operation, maintenance, interest, amortization of indebtedness, reserves and replacements, tax equivalent, and reasonable expansion of the system, and to use all additional surplus as the basis "for reduction in rates."[6]

(3) To abide by the terms and conditions, and schedule of rules and regulations, embodied in the contract relating to certain managerial activities of the municipality exercised in the administration of the electric system.[7] Important among the items of the schedule of rules are:

(a) To administer the electric system as a separate department, and to segregate the revenues and accounts of the department from those of other municipal departments.

(b) To keep the accounts of the department "according to a system . . . to be prescribed by the Authority [TVA] after conference with the municipality."[8]

(4) To value the electric system by a formula agreed upon in the

[4] *Ibid.*, 1937, p. 140. Standard residential rates per kwh. are: first 50 kwh., 3 cts.; next 150 kwh., 2 cts.; next 200 kwh., 1 ct.; over 1,000 kwh., 0.4 ct.; excess over 1,400 kwh., 0.75 ct.—minimum monthly bill, 75 cts. per meter. If bill is not paid within 10 days from date of bill, 10 per cent is added.

[5] *Ibid.*, p. 137. With regard to "surcharge," the contract provides that the municipality, during the development period, may impose a surcharge on a straight percentage of bills (*ibid.*, p. 147).

[6] *Ibid.*, pp. 137–138. It is interesting to note that municipalities contracting for TVA power agree not to use revenue from the sale of electricity as a general source of municipal revenue to be applied to reduction of taxes. Some municipalities are reported to have been reluctant to give up such a source of revenue.

[7] *Ibid.*, pp. 144–150.

[8] *Ibid.*, p. 145. A uniform system of accounts has been set up for electric departments operating under TVA contracts, and the TVA furnishes "advisory services" to such departments.

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contract, which formula applies the "actual historical cost" as a basis of present value when such cost can be ascertained; otherwise "the present value shall be determined as the replacement cost new of the property . . . less accrued depreciation."[9]

(5) To abide by the rules and regulations in the contract determining the legal relationship between the municipality and the consumers of electricity, with regard to rate classification, guaranty deposits, discontinuing of service, meter tests, etc.

It is important to note that the schedule of rules and regulations is made a part of all contracts between the municipality and the consumer and applies to all services received from the distributor.[10]

A significant modification of the regulatory provisions in the TVA contract appears in the contract between the Authority and the city of Knoxville, and the subsequent resolution of the TVA Board of Directors interpreting the provisions of the contract relating to rate levels. In the original contract, February 19, 1936, it was agreed that the municipality might increase the rates when the required contractual rates did not produce sufficient revenue to meet the enumerated charges *"by agreement with the Authority"* (the typical TVA provision). The supplemental contract of May 18, 1936, added the provision that when the circumstances set out in the contract should arise, the provision of the contract should be construed to mean that *the Authority shall agree to such changes in rates.* By resolution of July 28, 1938, the TVA Board strengthened the position of the city by pledging that in case the city should increase its rates, *"the Authority will agree to such increase in rates."*[11]

A contract between the TVA and the North Georgia Electric Membership Corporation dated June 15, 1936, contains substantially the same provisions as found in the contract with the city of Florence, Alabama, analyzed above.[12]

A third type of corporation with which the TVA has contracted to supply electric energy for resale is the Arkansas Power and Light Co. (contract dated June 16, 1937).[13] The wholesale rates for "firm power" are identical with those in the Florence, Alabama, contract.

The TVA has been criticized in some quarters for not writing into the contract with the Arkansas Power and Light Co. the TVA "yardstick"

[9] *Ibid.*, p. 145. Upon such agreed value the municipality is allowed on its investment a return "each month not to exceed one-half of one per cent." Out of the revenue from sales of electricity, the municipality is permitted to reimburse itself for the loss of taxes (*ibid.*, p. 146). [10] *Ibid.*, p. 150.

[11] TVA Notice of Action Taken by the Board of Directors, recorded in the minutes of a meeting held by the Board on July 28, 1938 (furnished to the writer by the Assistant General Counsel of the TVA, Mr. Joseph C. Swidler).

[12] *TVA Annual Report*, 1936, pp. 205–218. [13] *Ibid.*, 1937, pp. 294–300.

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resale rates. However, it was pointed out by TVA spokesmen that the Authority is authorized to determine resale rates only within the Tennessee Valley area, and that in the case of the Arkansas company rates would be determined ultimately by federal and state regulatory authorities.[14] The TVA in the contract, however, retained the right to cancel the agreement in case the company should "resell to the ultimate consumer any power supplied by the Authority hereunder for an amount which is in excess of any applicable schedule fixed by the Authority for the resale of such power."[15]

Before dismissing from consideration the TVA contracts, it should be explained that the legal department of the TVA does not consider the contracts an important part of any regulatory process, since an analysis of them, the department contends, makes clear that the municipalities and coöperatives may modify rates within the limits of the formula contained in the contract. It is further pointed out that initiative for change of rates comes from the municipality or coöperative, and not from the TVA. In actual practice, it is stated, several contracting units collect a surcharge of 10 per cent (one collects 15 per cent), while several others collect none. No basic resale rates had been changed as of April 1, 1938, but in three instances surcharges had been reduced for commercial and industrial consumers.[16]

According to the Federal Power Commission, authentic data on the actual working of the TVA contracts now (1938) appear to be available. Several municipalities have for more than three years "operated under the TVA standard contract fixing resale rates."[17]

Rural Electrification. The rural electrification program of the federal government, inaugurated by the President's executive order of May, 1935,[18] and extended and made more permanent by the Rural Electrifica-

[14] *Public Utilities Fortnightly*, Vol. 20, pp. 113–114 (July 22, 1937).

[15] *TVA Annual Report*, 1937, p. 299. The contract recognized the federal and state regulating authority as follows: "It is understood that Arkansas Co. is subject to regulation with respect to its rates and other matters by the governing bodies of cities, under franchise or charter power, by the department of public utilities of the state of Arkansas, by the Federal Power Commission, and by other regulatory bodies having jurisdiction, and that in executing this agreement, Arkansas Co. does so saving to itself the power to assert all constitutional rights with respect to rates and with respect to matters unrelated to this agreement heretofore available to it, as well as the right to perform its duties and obligations with respect to each of such regulatory bodies."

[16] The above information came from interviews with the legal and rate agencies of the TVA, April 1–2, 1938.

[17] Federal Power Commission, *Annual Report*, 1937, pp. 21–22. The report calls attention to the results of contract rates in Tupelo and Corinth, Miss., and Athens, Ala.

[18] Executive Order No. 7037.

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tion Act of 1936,[19] greatly stimulated state legislation in the field of rural electrification.[20] The significant features of the plan for federal aid to state rural electrification agencies are given below.[21]

State legislation enacted to effect coöperation with the federal rural electrification program, in the main, took the form of: (1) state rural electrification acts; (2) electric membership corporation acts, or coöperatives acts; and (3) power district acts.

At least ten states have through legislation created some type of rural electrification authority. Nine of the states enacted such legislation in 1935.[22] The Mississippi act alone falls within the period covered by this article.[23] The act provides that the Mississippi Rural Electrification Authority "shall be a public corporation in perpetuity under its corporate name, and shall under that name be a body politic and corporate."[24] The Authority is declared to be "an agency of the state" created for the purpose of "promoting and encouraging the fullest possible use of electric energy in the state by making electric energy available to certain inhabitants of the state at the lowest cost consistent with sound economy and prudent management."[25] The term "certain inhabitants" applies to

[19] *U.S. Statutes*, 74 Cong., 2 Sess., Chap. 432.

[20] A considerable proportion of the materials on rural electrification in this article was procured by personal interviews (March–April, 1938) with federal rural electrification officials at the Washington and Chattanooga offices, state rural electrification officials, officials of local coöperatives, and members of public utilities commissions in Virginia, North Carolina, South Carolina, Georgia, and Tennessee, and with the research staff and local agents of the TVA at the Knoxville office.

[21] Federal loans are authorized "for the purpose of financing the construction and operation of generating plants, electric transmission and distributing lines, or systems for the furnishing of electric energy to persons in rural areas, who are not receiving central station service." Private individuals and corporations, as well as political units and public corporations, may set up projects and apply for loans. Preference, however, is to be given to "states, territories, and subdivisions and agencies thereof, municipalities, peoples' utility districts, and coöperatives, nonprofit, or limited dividend associations." The loans "shall be self-liquidating within a period of not to exceed twenty-five years." Before a loan can be made, the federal REA administrator is required to determine and certify that in his judgment the security therefor is reasonably adequate and that such loan will be repaid within the time agreed. Loans may be made also for the purpose of financing the wiring of the premises of persons in rural areas and the acquiring and installation of electrical and plumbing appliances and equipment. For an analysis of the act, see V. D. Nicholson "The Rural Electrification Act of 1936," *Journal of Land and Public Utility Economics*, Vol. 12, pp. 317–318 (Aug., 1936).

[22] Alabama, *Acts*, 1935, No. 47; Montana, *Laws*, 1935, Chap. 98; New Hampshire, *Laws*, 1935, Chap. 135; New Mexico, *Laws*, 1935, Chap. 100; North Carolina, *Laws*, 1935, Chap. 288; South Carolina, *Acts*, 1935, No. 65; South Dakota, *Acts*, 1935, S.B. 172; Tennessee, *Acts*, 1935 (Extra Sess.), Chap. 3; Vermont, *Laws*, 1935, No. 157. [23] Mississippi, *Laws*, 1936, Chap. 183.

[24] *Ibid.*, Sec. 3. [25] *Ibid.*, Enacting clause.

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those inhabitants "to whom energy is not available or, *in the opinion of the board, is not available at reasonable rates*" (italics mine).[26]

The powers conferred upon the Authority may be carried out through the ownership and operation of generating and/or transmission systems both within and outside the state of Mississippi,[27] and of distributing systems within the state. The Authority is furthermore given power to fix the rates of energy sold to customers, affected only by contracts which may be made with other agencies, including the federal agencies, and by a provision in the law that the rates shall be sufficient to make the Authority self-supporting, and hence to pay bonds and interest, to meet the cost of operation, maintenance, and improvements, and to establish a reserve. "Any surplus thereafter remaining shall be devoted solely to the reduction of rates."[28] Power to issue revenue bonds is granted in the act—such bonds not to be a claim upon the state.

It appears, therefore, that a state public corporation is created which may go into the business of generating, transmitting, and distributing electric energy on the condition that it be self-supporting and self-liquidating.

The act contains the standard provision with regard to regulatory contracts with federal agencies. Such contracts may include covenants, terms, and conditions with respect to *resale rates, financial and accounting methods, services, operation and maintenance practices, and the manner of disposing of the revenues* of the system or systems conducted or operated by the Authority" (italics mine).[29]

It should be noted further that the Authority and its property are liable for taxes, and are to be taxed and assessed in the same manner and to the same extent as privately owned utilities.[30] Opposition to the taxation feature, however, seems to have arisen, since the legislature has by law exempted from taxation for a period of years certain specified private industries.

South Carolina has perhaps had, to date, the most extensive and informing experience with the actual administration of a state-wide rural electrification system under a state authority. The individual customers are served directly by the Authority; contracts for service are between the Authority and the individual consumer. During the first two years of operation under the act of 1935,[31] a sum of more than one-half million dollars was borrowed from the federal REA, over 500 miles of rural electric lines were erected, and electric service was provided in twenty-five counties.

[26] *Ibid.*, Sec. 10. [27] *Ibid.*, Sec. 13. [28] *Ibid.*, Sec. 17.

[29] *Ibid.*, Sec. 13. No problem of conflict with the regulatory powers of a state commission exists, from the fact that Mississippi has no state public utilities commission. [30] *Ibid.*, Sec. 23. [31] South Carolina, *Acts*, 1935, No. 65.

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The installation of lines and service in a given community is conditioned upon the findings of a survey made by the Authority. A meeting of the heads of families of the community is called to decide whether a sufficient number are interested in receiving electric service. They are informed that "the Washington authorities require a minimum of three or more customers to the mile of primary line or a minimum annual revenue of approximately $160 per mile." If the community decides in the affirmative, preliminary surveys by the Authority are arranged, and the information obtained from the surveys is forwarded to the REA in Washington, whose engineers make the final decision as to whether the line shall be built.[32]

The South Carolina State REA act provides that the rates and services of the Authority "shall not be subject to supervision or regulation by any other state bureau, board, or commission,"[33]. . . and that the property, bonds, and income from such bonds "shall be at all times free from taxation within the state."[34]

The South Carolina-Mississippi type of state REA, which puts a state agency directly into the electric business, is not favored by Georgia, North Carolina, and several other states which prefer either a weaker type of state REA established to aid rural coöperatives and other units serving the consumer directly, as in North Carolina, or a system through which coöperatives, power districts, and local government units are empowered to develop rural electrification without the assistance or intervention of any state rural electrification authority whatever, as in Georgia.

The REA of North Carolina is an excellent example of the weaker or advisory type of authority. Although the purpose of the Authority "is to secure electrical service for the rural districts of the state where service is not now being rendered,"[35] the method of securing such service is entirely different from that of the South Carolina-Mississippi type. The Authority is instructed to conduct surveys, assist communities in the process of organization, negotiate for supply of electric energy, assist prospective elective membership corporations in estimating costs of installation of service, "call upon the Utilities Commission to fix such rates and service charges as will be necessary to accomplish the purpose," to petition the Utilities Commission to require extensions of lines by the power companies, and to act as an agent of coöperatives in securing loans or grants

[32] The above information relating to South Carolina REA was given to the author by the officials of the State Rural Electrification Authority, in an interview on March 30, 1938. The schedule of residential rates in effect as of April 1, 1938, is as follows: first 20 kwh., 7 cts.; next 30 kwh., 5 cts.; next 50 kwh., 3.5 cts.; next 100 kwh., 2.5 cts.; all additional, 1.75 cts. Bills for current are collected by the meter readers of the authority. [33] South Carolina, *Acts*, 1935, No. 65, Sec. 15.

[34] *Ibid.*, Sec. 16. [35] North Carolina, *Laws*, 1935, Chap. 288, Sec. 2.

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from the federal government.[36] In short, the North Carolina REA is not authorized to go into the power business, but only to assist or act as an agent for rural communities and coöperatives which have been so empowered.

Electric Membership Corporations Act (Coöperatives). At least 16 states have enacted some form of elective membership corporation laws; only six had enacted such legislation prior to 1936.[37] Ten states have enacted such legislation within the period covered by this article.[38] These have followed, in general, the recommendations of the federal REA. The Electric Coöperative Corporation Act passed by the legislature of Arkansas in 1937 contains most of the provisions found in the laws of the other states.[39] It is entitled "An Act Relating to Coöperative Non-Profit Membership Corporations, Organized to Engage in Rural Electrification." The corporation is to consist of three or more natural persons at least 21 years of age and residents of the state,[40] residing in a rural area, and "not receiving central station service."[41] The provisions of the state law relating to the procedure for incorporating private companies is applied to the incorporation procedure of coöperatives.[42]

Such a corporation is authorized to generate or purchase electric energy and sell it to members only; to own such property as is "necessary, convenient, and useful" in performing the service; to assist members only in financing installations; to incur debt and issue obligations "secured by mortgage pledge, or deed of trust of all or any of its property, assets, franchise revenue, or income"; to exercise the right of eminent domain, to make contracts "necessary and convenient for the exercise of the powers granted by the act"; and "to fix, regulate, and collect rates, fees, rents, or other charges for electric energy and any other facilities, supplies, equipment, or services furnished by the corporation."[43]

Although the coöperative is declared to be a "non-profit" corporation, the law demands that the rates and charges at all times shall be sufficient to finance the "prudent operation" of the business, pay principal of and

[36] *Ibid.*, Secs. 2–3.

[37] States which enacted laws establishing coöperatives prior to 1936: Alabama, *Acts*, 1935, No. 45; Indiana, *Acts*, 1935, Chap. 175; Maine, *Laws*, 1931, Chap. 230; North Carolina, *Laws*, 1935, Chap. 291; Tennessee, *Acts*, 1935 (Extra Sess.), Chap. 3; Vermont, *Laws*, 1935, No. 157.

[38] States enacting laws establishing electric coöperatives in 1936–38: Arkansas, *Laws*, 1937, Chap. 342; Georgia, *Laws*, 1937, No. 503; Kentucky, *Acts*, Fourth Special Session, 1936–37, Chap. 6; Mississippi, *Laws*, 1936, H.B. No. 578; Nebraska, *Laws*, 1937, Chap. 50; New Mexico, *Laws*, 1937, Chap. 100; North Dakota, *Laws*, 1937, Chap. 115; Pennsylvania, *Acts*, 1937, No. 389; Texas, *Laws*, Third Called Session, 1936, No. 13; Virginia, *Acts*, 1936, Chap. 442.

[39] Arkansas, *Acts*, 1937, Chap. 342. [40] *Ibid.*, Sec. 5. [41] *Ibid.*, Sec. 12.

[42] *Ibid.*, Sec. 6. [43] *Ibid.*, Sec. 4.

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interest on its obligations, and create a reserve. Surplus revenue, if any, is to be returned to members on the basis of business done with each, or in the form of rate reduction, at the discretion of the board.[44] The corporation is to be exempt from all excise taxes and license fees except a fee of $10 per hundred members.[45]

The provision of the act determining the legal relation of the corporation to the state Department of Public Utilities deserves special notice. It is as follows: "All corporations organized under this act shall be exempt in any and all respects from the jurisdiction and control of the Department of Public Utilities of this state, except said corporation shall secure from the Department of Public Utilities *a certificate of convenience and necessity* for the construction or operation of any equipment or facilities for supplying electric services in rural areas."[46]

The recommendation of the federal REA that coöperatives as well as the state REA be exempt from the jurisdiction of state public utilities commissions met with opposition in several states. It is reported that the federal administrator of the REA asked the governor of Arkansas to veto the act if the clause relating to "certificate of convenience and necessity" was not eliminated.[47]

The laws of most of the states under review contained a more effective "contract" clause than that found in the Arkansas law. The Georgia law illustrates the standard provision on regulation by means of a contract.[48] The law provides that contracts may be made between a coöperative and a federal agency containing "covenants, terms, and conditions with respect to the *resale rates, financial and accounting methods, services, operation and maintenance practices*, and the manner of disposing of revenues of the system operated and maintained by the corporation."[49]

In addition to the possible regulatory effect of contracts with federal agencies, the federal REA officials are in a position to exert a substantial influence over rates, both wholesale and resale, since the rate expert of the REA must report satisfactorily on the proposed rate schedule before the REA grants a loan to the coöperative.[50]

[44] *Ibid.*, Sec. 25. [45] *Ibid.*, Sec. 30. [46] *Ibid.*, Sec. 31.

[47] *Public Utilities Fortnightly*, Vol. 19, p. 516, April 15, 1937.

[48] Georgia, *Laws*, 1937, No. 503.

[49] *Ibid.*, Sec. 4 (13). Virginia law, 1936, Chap. 442, significantly omits the broad contractual provision, while it makes coöperatives subject to the jurisdiction of the State Corporation Commission in the same manner and to the same extent as are other similar utilities under the laws of the state. For a detailed analysis of state legislation on rural electrification and coöperatives, see D. L. Marlett and W. M. Strickler, "Rural Electrification Authorities and Electric Coöperatives," *Journal of Land and Public Utility Economics*, Vol. 12, pp. 287–301 (Aug. 1936).

[50] This applies to power districts and municipalities, sharing in rural electrification, as well as to coöperatives.

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Power Districts. Power districts of the nature of *ad hoc* agencies for the sole purpose of conducting the business of generating and distributing electricity continued to be set up by state legislation during the period covered by this article. Moreover, the formation of such districts in states where enabling acts already existed was stimulated to a marked degree by the loaning program of the PWA and the REA.[51]

The legislature of Mississippi enacted a standard type of power district legislation. Public corporations—bodies politic and corporate, separate and distinct from existing units of government, are legalized for the sole purpose of owning and operating utilities for the production, transmission, or distribution of electric energy. The district is granted power of eminent domain and authority to make contracts for the purchase or sale of electric energy and for "the acquisition of all or any part of any utility or utilities." The district is administered by a board of directors of five members, and it is authorized to hire a general manager, who need not be a resident of the state. Along with all other types of publicly owned utilities, the districts are to be "taxed in the same manner and to the same extent as privately owned utilities."[52]

The legislation of Wisconsin, which furnishes the legal basis for the incorporation of the Wisconsin Development Authority and of the proposed Wisconsin Hydro Authority, merits special consideration.[53] The Wisconsin Development Authority, designated as "a non-stock, non-profit organization," was authorized and directed to use the funds appropriated to it: (1) to promote or encourage the organization or creation of municipal power districts, coöperative associations to engage in furnishing light, heat, water, or power, in rendering street or interurban or bus services; and cities, towns, power districts, coöperative associations or non-profit associations, etc., to own, construct, operate, or manage plants furnishing above-mentioned services; and (2) to make surveys and disseminate information regarding resources and facilities in the entire public service field.[54]

The validation of the WDA on June 21, 1938, by the supreme court of Wisconsin[55] is considered to have sustained the constitutionality of the utilization of a non-stock, non-profit corporation organized under general laws as an instrumentality for the performance of activities in the public interest.[56] It has been proposed, following the above-mentioned decision

[51] For an informing presentation and discussion of power-district legislation prior to 1937, see Robert D. Baum, "Power District Legislation," *National Municipal Review*, Vol. 26, p. 28 (Jan., 1937).

[52] Mississippi, *Acts*, 1936, Chap. 187.

[53] Wisconsin, *Laws*, 1937, Chap. 334.

[54] *Ibid.*, Section 199.03.

[55] State *ex rel.* Wisconsin Development Authority *et al. v.* Dammann, Sec. of State, 280 N.W. 698.

[56] Letter from John Ernest Roe, replying for the Wisconsin Hydro Authority, Aug. 22, 1938.

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of the state supreme court, to create a private non-profit corporation "to promote a vast $126,000,000 water power, flood control, stream purification, navigation, and recreational project."[57] The statutory basis for the creation of the proposed corporation is an act of the 1937 legislature authorizing the governor to designate a corporation with powers to develop such a public service project.[58]

State Regulatory Commissions. Although the scope of the authority of the public utility commissions in several states has been curtailed by state legislation denying such commissions jurisdiction over part or all of the activities of public corporations contracting for power or loans with federal agencies, the position of the commissions in general has been strengthened during the period under review. The most favorable situation of the commissions is the result of several factors, most important among which are: (1) federal legislation; (2) rate surveys under the auspices of the Federal Power Commission and the Federal Communications Commission; (3) administrative aid given state commissions by the Federal Power Commission; (4) state legislation increasing or clarifying the powers and functions of the state commissions; and (5) state judicial decisions supporting the commissions in the exercise of their statutory authority.

Important among the acts of the federal government affecting the rate-making authority of the state commissions was the Johnson Act which became law on May 14, 1934.[59] The bill divested the lower federal courts of jurisdiction over the action of state regulatory bodies in the exercise of their rate-making functions where such regulation "does not interfere with interstate commerce," and "has been made after reasonable notice and hearing, and where a plain, speedy, and efficient remedy may be had . . . in the courts of such state."[60] In effect, the bill removes a source of considerable delay in the decision of rate cases.

The Wheeler-Rayburn Federal Power Act of 1935 was intended to preserve and strengthen the state regulatory commissions by making available to them the services of federal experts on rates and valuation.[61]

The electric rate survey carried out under congressional joint resolution and issued by the Federal Power Commission[62] and the data collected by the Federal Communications Commission on telephone rates and services are of material value to state regulatory bodies attempting to establish effective regulation.

The adoption of a uniform system of accounts by the Federal Power

[57] *Public Utilities Fortnightly,* Vol. 22, p. 248 (Aug. 18, 1938).
[58] Wisconsin, *Laws,* 1937, Sec. 101.34.
[59] *U. S. Statutes,* 73 Cong., 2 Sess., Chap. 283. [60] *Ibid.,* Sec. 1.
[61] *U. S. Statutes,* 74 Cong., 1 Sess., Chap. 687, p. 854.
[62] *Ibid.,* 73 Cong., 2 Sess., Public Joint Resolution No. 18, Sec. 1.

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Commission (1936), which system was worked out in conference with representatives of the state public utilities commissions, and which was approved by a majority of such representatives, greatly facilitated the adoption by the state commissions of more effective accounting systems for the public utilities under their jurisdiction.[63]

The most notable example of strengthening the arm of a state regulatory commission by state statutory enactment since 1935 is found in legislation of Pennsylvania in 1937. By a statute sponsored by Governor Earle, the Pinchot-created Public Service Commission was legislated out of existence and a Public Utilities Commission substituted therefor.[64] The new commission consists of five members appointed by the governor with approval of two-thirds of the senate, for ten-year terms and with salaries of $10,000 for the regular members and $10,500 for the chairman.[65] The act also provides for the creation of the office of Counsel to the Public Utilities Commission. The counsellor is appointed by the attorney-general with approval of the governor.[66]

Accompanying the purge of the Pennsylvania regulatory commission was a new public utilities law. All previously enacted public utilities laws were expressly, by name, repealed, and a comprehensive statute was enacted.[67] No statute of any state in the Union gives more authority to a regulatory commission than is granted by the new Pennsylvania law. Space permits a brief analysis of only such provisions of the law as indicate the strengthening of, or the additions to, the powers of the commission.

The provision relating to *certificates of public convenience* ranks first among the provisions tending to create a powerful commission. Without such a certificate, no utility may "begin to offer, render, furnish, or supply service within this commonwealth."[68] The following acts of a utility are conditioned upon the permission of the commission expressed through the certificate of public convenience: (1) right of a "foreign corporation" to conduct business within the state; (2) renewal of a charter or obtaining of "any additional right, power, franchise, or privilege," by any public utility; (3) beginning of the exercise of "any additional right, power, franchise, or privilege" by a public utility; (4) dissolving or abandoning by a public utility, in whole or in part, of "any service, right, power, franchise, or privilege"; (5) beginning, by a public utility, "the construction, installation, or operation of any new plant or system," or the extension and improvement of, or addition to, an existing plant, and acquiring or transferring title to property from or to any person, or corporation, in-

[63] Federal Power Commission, *Annual Report*, 1937, p. 5.
[64] Pennsylvania, *Laws*, 1937, No. 43.
[65] *Ibid.*, Sec. 1. [66] *Ibid.*, Sec. 9.
[67] Pennsylvania, *Laws*, 1937, No. 286. [68] *Ibid.*, Art. II, Sec. 201 (b).

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cluding a municipal corporation; (6) acquiring "five per centum or more of voting capital stock of any corporation"; (7) acquiring, constructing, or beginning operation of a public service by a *municipal corporation* beyond its corporate limits.[69]

With regard to utility rates, the usual provisions are incorporated as to reasonableness, filing and inspection of and adherence to tariffs, and rate discrimination. The section relating to rates contains two provisions intended to expedite rate regulation by the commission. These establish (1) a sliding scale of rates, and (2) temporary rates. Under the sliding scale provision, the utility, upon its own initiative, with the approval of the commission, may set up such a sliding scale of rates "for the automatic adjustment of the rates of the public utility as shall provide a just and reasonable return on the fair value of the property." The commission, upon its own initiative, may prescribe for any class of public utility "a mandatory system of automatic adjustment of their rates by means of a sliding scale."[70] These provisions make possible the adoption in Pennsylvania of a system of rate adjustment similar to that of Washington, D.C. which is designed to eliminate much of the rate litigation between utilities and consumers.

A second device designed to eliminate long delays in rate disputes and provide for a final equitable adjustment is found in the provision on "temporary rates." The commission is authorized to set up temporary rates, pending a final decision in rate proceedings "brought either upon its own motion or upon complaint." The temporary rates "shall be sufficient to provide a return of not less than five per centum upon *original cost less depreciation of the physical property.*"[71] If they are found insufficient to provide a fair return, "the public utility shall be permitted to amortize and recover, by means of a temporary increase over and above the rates finally determined," an amount sufficient to make up for the shortage.[72] Burden of proof in rate proceedings, either upon motion of the commission or upon complaint, is placed upon the utility to prove that the rate involved is just and reasonable.[73]

The commission is granted regulatory authority over service and extensions of a municipal corporation furnishing service beyond its corporate limits;[74] and it has full regulatory authority over systems of accounts, property records, and depreciation accounts.[75] The burden of proof in

[69] *Ibid.*, Sec. 202.

[70] *Ibid.*, Sec. 307. The provisions relating to the sliding scale expressly exempt common carriers. [71] Italics mine. *Ibid.*, Sec. 310a. [72] *Ibid.*, Sec. 310 (3).

[73] *Ibid.*, Sec. 312. A scholarly analysis of the New York experience with temporary rates is found in R. W. Harbeson, "Temporary Rate Orders in New York," *Journal of Land and Public Utility Economics*, Vol. 13, pp. 78–86 (Feb., 1937)

[74] *Ibid.*, Sec. 401. [75] *Ibid.*, Secs. 501–503.

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proceedings involving accounting entries and records is placed upon the utility.[76]

The power of the commission to regulate is expanded somewhat into the field of management by the provision relating to budgets. The commission may require public utilities (except common carriers) to submit proposed budgets, itemized to show all proposed expenditures within both the field of operation and that of capital expenses, including debt obligations; and it may determine "whether contemplated expenditures are unreasonable or contrary to the public interest." Rejection of budgetary items by the commission prevents the utility from including rejected items in the operating expense account or capital expenditure account "in any rate or valuation proceedings."[77] The commission at all times has access to all records, accounts, and documents of all kinds kept by public utilities.[78]

Municipal corporations are included in the regulatory provisions relating to mandatory systems of accounts, depreciation accounts, and reports, and inspection by the commission of books and records.[79]

All contracts between a utility and an affiliated interest must be filed with the commission, and if the commission finds that the "amounts paid or payable thereunder are in excess of reasonable cost . . . or that such services are not reasonably necessary and proper, it shall order such amounts . . . to be stricken from the books of account of the public utility as charges to fixed capital, or operating expenses . . . and shall not consider such amounts in any proceeding."[80] A contract between a public utility and a municipality, to be valid, must be filed with the commission at least 30 days prior to its effective date. The provision, however, does not apply to contracts for service at regularly filed tariff rates.[81]

A notable feature of the act is the assessment upon the public utilities of the ordinary regulatory expenses of the commission. The purpose of this provision is declared to be "that the several groups of persons and corporations subject to the act shall each contribute, by way of assessments, sufficient funds to the commonwealth to reimburse the commonwealth for the reasonable cost of regulating the respective groups."[82]

The above analysis shows the extent to which the state of Pennsylvania, under Governor Earle's leadership, has attempted to strengthen the position of the state public utilities commission. The enforcement of several of the provisions has been checked by court procedure; and the

[76] *Ibid.*, Sec. 505. [77] *Ibid.*, Sec. 506. [78] *Ibid.*, Sec. 507.
[79] *Ibid.*, Sec. 508. [80] *Ibid.*, Sec. 701. [81] *Ibid.*, Sec. 911.
[82] *Ibid.*, Sec. 1201 (a) (f). According to the *Public Utilities Fortnightly*, Vol. 22, p. 470 (Sept. 29, 1938), the commission, on Aug. 31, 1938, "billed Pennsylvania utilities for $1,137,315 to cover costs of ordinary commission operations for the fiscal year ending May 31."

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special session of the legislature in 1938 considered modification of the law in order to increase its effectiveness.[83]

Utilities legislation affecting the position of the public service commission in New York State also deserves special notice. Several important recommendations in the so-called Mack Report[84] were enacted into law. The following provisions more or less affect the powers and duties of the commission: (1) The commission is authorized to fix gas and electric rates on a sliding scale effecting an automatic adjustment "based on the relation between the net income and the fair value of the property."[85] (2) Contracts or agreements between a utility and any "affiliated interest" for the purchase of electricity or gas shall be filed with the commission before going into effect. The commission may disapprove the contract or agreement if it be found that such is "not in the public interest."[86] (3) The commission is authorized to require electric and gas corporations "to establish classifications of service" based upon certain enumerated factors, which are not to include the number of outlets, rooms, cubic or square feet, or other such standards.[87] (4) The commission may require a public utility corporation to file with it a verified copy of such portions of the company's tax report to the state tax commission "as set forth the reproduction cost new and present value of its properties."[88] (5) Rate hearings, before the commission or before a court, in which municipalities are interested may be facilitated by the provision that the municipality as a corporation shall have the right to appear as a party and appropriate or borrow money to pay "the expenses of the employment of expert and technical advisers."[89] A notable addition to the power of the commission was effected by an act of the legislature, April 9, 1938, which extended the jurisdiction of the commission over the trucking industry.[90]

The constitutional changes proposed in the 1938 constitutional convention by the Power Authority of New York State and sponsored by Chairman Frank P. Walsh and Judge Charles Poletti, which would have made forever inalienable the ownership and control of publicly owned power sites, failed to receive approval.[91] The convention, however, adopted and submitted to the people the so-called Schenck amendment,[92] which proposes to prevent legislation requiring municipalities to operate on a non-profit-making basis or "prohibiting the use of profits therefrom

[83] Letter to the writer from the secretary to the chairman of the Pennsylvania Public Utilities Commission, Aug. 19, 1938.

[84] State of New York Joint Legislative Committee to Investigate Public Utilities, *Final Report*, Feb. 24, 1936. [85] New York, *Laws*, 1936, Chap. 655.

[86] *Ibid.*, Chap. 780, Sec. 1 (4). [87] *Ibid.*, Chap. 696, Sec. 1 (14).

[88] *Ibid.*, Chap. 242, Sec. 3. [89] *Ibid.*, Chap. 269, Sec. 108.

[90] *Public Utilities Fortnightly*, Vol. 21, p. 567 (April 28, 1938).

[91] New York *Times*, Aug. 17, 1938. [92] *Ibid.*, Aug. 10, 1938.

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for the payment of public expenses."[93] Adoption of this amendment at the November, 1938, election would tend to check the New York commission in carrying out its carefully considered policy of effecting rate reductions by municipally owned plants.

The public service commission of Wisconsin finds the governor's influence over it somewhat increased by a statute (1937) which provides that the public service commissioners may be removed by the governor for cause.[94]

The authority of the public service commission of Utah was somewhat strengthened by a statute (1937) which provides that the commission, in determining the true value of public utilities property and in establishing a fair return on such value, should keep and revise annually "a record of valuation of utilities companies." The act, however, makes no provision for any annual revaluation except the assembling of data sworn to by utilities officials.[95]

During the past two years, the Georgia public service commission has increased its influence through (1) adopting a policy of securing rate reduction by means of conferences with utility officials rather than through the regular legal channels of rate hearings alone, and (2) acting as a clearing house for data concerning proposed extensions of lines and services of the private utilities and of the public corporations, including coöperatives and municipalities.[96]

An unusual law was enacted by the legislature of Colorado which appears to make possible the regulation of agriculture by the state public utilities commission. The act provides "that the soil resources and fertility of the land of the state and the economic use thereof, the prosperity of the farming population of the state . . . are matters affected with public interest."[97]

Municipal Ownership. The cause of municipal ownership of public utilities was materially strengthened by a decision of the federal Supreme Court, January 3, 1938, which declared legal the acceptance by cities of PWA loans. State laws which authorized municipalities to own and operate public utilities became effective at once through the stimulus of federal loans;[98] and new legislation intended to stimulate municipal ownership and operation of public utilities, and to make available federal loans, was enacted by the legislatures of many states. Such statutes

[93] *Amendments Proposed by the* [*N. Y.*] *Constitutional Convention*, 1938, Art. III, Sec. 5. [94] Wisconsin, *Laws*, Special Sess. 1937, Chap. 9.

[95] Utah, *Laws*, 1937, Chap. 87.

[96] The information concerning the situation in Georgia was given to the author by Mr. Walter McDonald, chairman of the Georgia public service commission, in an interview on April 1–2, 1938. [97] Colorado, *Laws*, 1937, Chap. 82.

[98] Alabama Power Company v. Harold L. Ickes, 82 L. ed. 263.

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followed closely the form and content of the enactments passed by several states in 1934–35.[99] In general, the acts enabled municipalities to own and operate public utility enterprises, to issue revenue bonds to be a charge only against the earnings of the utility, to extend utility services beyond the corporate limits of the municipality, and to contract with federal agencies for loans under the federal emergency relief acts and the federal rural electrification act.

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Deorganization in Maine. The readjustment of areas and services in the local government of Maine is proceeding most rapidly through the process of deorganization in towns which cannot support the cost of local services. An act of the legislature in 1937[1] provides that whenever the organization of any town or plantation has been terminated, the powers, duties, and obligations relating to the affairs of the town or plantation shall be vested in the state tax assessor, until such time as the town or plantation is reorganized. A town or plantation in Maine at present comes into existence through incorporation by special act of the legislature and ceases to exist through the surrender of the corporate charter by special legislative enactment. In the legislative sessions of 1935 and 1937, seven towns and plantations surrendered their charters and reverted to unorganized or "wild land" townships and five towns gave up their charters to be reincorporated as plantations. It is expected that the legislative session of 1939 will witness further progress in the deorganization of Maine towns.

The state tax assessor administers the fiscal affairs only of those areas which revert to "wild land" townships. Where plantations are set up, the people maintain a form of local government which is somewhat less expensive than that of a town, since all relief costs are transferred to the state. Most of the bills introduced into the legislature for the deorganization of towns and their reincorporation as plantations have carried a preamble reciting that the town contains many persons who have their pauper settlement therein and who are destitute. Since the town is without funds for their relief, an emergency is created within the meaning of section 16 of Article XXXI of the constitution of Maine which requires the proposed legislation for the preservation of the public peace, health, and safety. In a number of cases, towns have deorganized to form plantations when they would have been better served as "wild land" townships.

[99] For an analysis of typical municipal ownership statutes enacted in 1934–35, see this REVIEW, Vol. 30, pp. 531–533 (June, 1936).

[1] *Public Laws 1937*, Chap. 73.

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But the desire of the people to maintain some kind of local government has been too strong to be overcome.

The towns which have already deorganized, and those which are preparing to appeal in 1939 to the legislature for the surrender of their charters, are either sparsely inhabited or are encountering exceptional financial difficulties. The town of Marion in Washington county has a population of 70 and a tax rate of 17 cents on the dollar. When it was incorporated in 1834, the town was credited with a population of 207. For the past fifty years, population in the town has been decreasing as industry has located elsewhere. At present, almost the only industry in the town is a summer camp of the Massachusetts Institute of Technology. Marion is an extreme example of decreasing population and increasing fiscal pressure, but other towns exhibit one or both of these characteristics in varying degrees.

The advantages of deorganization are immediate and direct. In a "wild land" township of less than 200 inhabitants, the people pay only state and county taxes. The state tax is seven and one-quarter mills and the county tax is about two mills. In addition, the people pay a road tax of twenty mills.[2] If the population of the area exceeds 200, the schools must be supported by local taxation, but in the sparsely settled "wild land" townships schools as well as relief costs are borne by the state. Thus many of these small towns through deorganization may reduce their tax rate to $29\frac{1}{4}$ mills and secure better public services from the state. The suffrage is extended to qualified voters in the unorganized territory who pay the poll tax to the state tax assessor and have their names entered on the election lists of the adjoining town. Here they may vote for national, state, and county officers. Relief recipients are likewise entered on the relief rolls of the adjoining town, which is reimbursed by the state for the relief expenditures incurred. Schools in the "wild land" areas are under the control of the state commissioner of education, and the salaries of teachers as well as the costs of maintenance and operation of the schools are met by state funds. Finally, the people of a town through deorganization obtain a moratorium of two years on any town debt, within which period the state tax assessor undertakes to help find a way to discharge the obligation.

Some of the towns which have deorganized may have been hastened to this decision by what is known as the levy law. This measure provides that the property of the inhabitants of counties, towns, cities, and other quasi-corporations may be taken to pay any debt due from the body politic of which they are members. All sums so paid, with interest and costs, may be recovered by such body politic.[3] However, municipal debt

[2] *Public Laws 1933*, Chap. 216.

[3] *Revised Statutes 1930*, Chap. 56, Sec. 116.

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limits are fixed by the state constitution at 5 per cent of the last regular valuation of the city or town, except in the case of cities and towns in excess of 40,000 inhabitants, where a debt limit of 7½ per cent is established.[4] These limitations account in part for the modest public debts of Maine towns, but that is not to say that there are no towns with crushing debts.[5] The town of Van Buren, when it sought the aid of the Maine Emergency Municipal Finance Board in 1937, had a net debt of approximately 14 per cent of the assessed valuation of the town. The gross debt of the town, which is important in view of the likelihood that some of the assets will not be realized, is about 26 per cent of the assessed valuation. Lowered valuations occasioned by the flight of industry have been reported in a number of towns. From 1932 to 1936, the assessed valuation of Van Buren dropped by more than 50 per cent, largely as a result of the loss of several industrial plants. The outcome of greatly lowered valuations, accompanied often by rising tax delinquencies, is fiscal pressure too severe for the towns to withstand.

The problem which Maine seeks to solve by the process of deorganization would in many other states find a different solution. The transfer of local services to the counties is not feasible in New England, where the county exists chiefly as a judicial unit. Consolidation is not congenial to the spirit of the New England people and has made little progress, although consolidated high school districts have appeared in some of the states. Annexation is probably the most unpopular solution that could be offered in New England for the problems of town finance. New Englanders are very sensitive about their public as well as their private finances. Towns are willing to help neighboring municipalities, but they resent being asked to assume their financial obligations. The Massachusetts state commission which has been operating the town of Millville recommended its annexation by the neighboring town of Uxbridge, a proposal which was rejected, with great vigor, by the inhabitants of the latter town.[6] It is doubtful whether any Maine town in sound financial condition would agree to the annexation of one of the areas at present contemplating deorganization.[7] The reversion of such towns to "wild

[4] Articles XXII and XXXIV.

[5] J. W. Fleming and R. H. Owsley, "Maine's Emergency Finance Board," *National Municipal Review*, Vol. 27, pp. 143–147. There is in the Library of Harvard University an excellent doctoral dissertation by Mr. Fleming entitled "Maine: Studies in Resources, Finance, Local Government, and Economic History." Early town legislation and the progress of deorganization is outlined down to November, 1937.

[6] E. E. Oakes, *Studies in Massachusetts Town Finance* (Cambridge, 1937), p. 106, n.

[7] In the summer of 1938, the towns of Medford and Orneville in Piscataquis county held meetings to consider deorganization. Both towns are adjacent to the

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land" protects the people against exorbitant taxes while assuring them a continuation of essential public services. Most people will prefer to sacrifice their local government rather than suffer the loss of their homes.

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town of Milo, which contains a plant of the American Thread Company, as well as other industries, and may be considered a town of wealth. Medford has a tax rate of 86 mills and Orneville of 91 mills, and the fiscal pressure is certain to become more severe. But the idea that these towns might be annexed to the town of Milo was thought too trifling for discussion.

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Italy's Fascist Bureaucracy. Neglected by foreign critics of the Fascist régime and taken for granted by the Italian people, the bureaucracy of Italy has been eclipsed by more spectacular institutions. This "core of modern government"[1] has been concealed by a black-shirted periphery embossed with some corporative theories. From this center, some studies of more than the mere structural features of Fascist Italy might well begin. In any case, the "peculiar Anglo-Saxon pastime of making foreign personnel studies," as an Italian civil servant recently observed, will admit of a consideration of certain of the functional elements of the Italian bureaucracy—the hierarchical and career aspects.

I

The kingdom of Italy borrowed from the institutions of the many Italian states, and without the groundwork of the Great Elector, Frederick William I, and Frederick the Great to furnish a corner-stone of public service, or the French historical heritage to provide a cement, fitted the borrowings into a framework which owed much to the French administrative system. It is difficult to reconstruct a picture of the bureaucracies of the Italian states prior to 1848, either because the states lacked organic laws, or because variations in such laws existed not only among the states but even within single states.[2] However, the reforms introduced by Charles Albert in the Sardinian states influenced vitally the subsequent Italian administrative system and the bureaucracy. Article 6 of the Sardinia-Piedmont *Statuto* of 1848, which vested the power of appointment in the king, with discretion to delegate it in the case of subordinate officials, and Article 24, which provided for equality of all citizens seeking public office, were both landmarks which continued to govern these important aspects of the public service. The coördination, completion, and proof in the first decade of the reign of Victor Emmanuel II,[3] together with these innovations of Charles Albert, provided the general outline for future developments.

Shortly after the establishment of the kingdom of Italy in 1861, laws were passed which regulated certain of the important relationships be-

[1] C. J. Friedrich, *Constitutional Government and Politics* (New York, 1937), pp. 20–40.

[2] For a discussion of the administrative organization of the Italian states prior to unification, see Carlo Schupfer, "Organizzazione amministrativa degli Stati avanti l'unificazione legislativa," in V. E. Orlando (ed.), *Diritto amministrativo Italiano* (Milano, 1900), I, p. 1091 ff.

[3] *Ibid.*, pp. 1126–1127. The powers conferred, November 13, 1859, upon the ministers over the "appointment, removal, punishment, and retirement of civil servants" were particularly important.

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tween the state and its employees, *i.e.*, pensions, suspensions, dismissals, and leaves of absence. Norms and usages developed rapidly in the separate ministries, and these furnished some departmental uniformity in matters of nominations, promotions, and classifications.[4] Notwithstanding, as late as 1890 the ministers enjoyed an almost "unlimited authority over their subordinates" in a country where "the political customs authorize the most abusive powers by the government over its employees."[5] And one of the common explanations given for "our most disorganized bureaucracy" was "the lack of a law governing the relationship between the civil servant and the state, which would once and for all put an end to the multiform and arbitrary rules and regulations of the ministers."[6]

From the turn of the century, the demands of a growing number of state employees[7] were added to those of the public for legislative action to cure various bureaucratic ills.[8] After a check had been placed, in 1904, upon the power of the ministers to alter the organic rolls of civil servants, the different aspects of the service relationship were dealt with in a rather thorough fashion by the *Testo Unico* of November 22, 1908 (No. 693),[8a] and by the decree of execution of November 24, 1908 (No. 756). Though some changes were made, especially in the economic status of the employees under war-time conditions, the *Testo Unico* of 1908 remained the constitution of the bureaucracy until 1923.

After a somewhat more belated start than in France, the syndicalist

[4] E. Presutti, *Istituzioni di diritto amministrativo Italiano* (3rd ed., Milano, 1934), II, p. 4 ff.

[5] L. Dupriez, *Les Ministres dans les principaux pays de l'Europe* (Paris, 1892), I, p. 337.

[6] Cesare Rosmini, "Impiegati civili dello Stato," in *Enciclopedia giuridica Italiana* (1902), VIII, Pt. I, p. 215. A comparison of the projects of a law for state employees may be found in *ibid.*, p. 218 ff.

[7] Due to reductions possible through the avoidance of duplications in the customs and central administrative services which offset increases, the kingdom of Italy had, in 1883, approximately the same number of civil employees as had the Italian states in 1859—76,634 as compared with 76,070. Rodolfo Benini, "La burocrazia di Stato in Italia dal 1859 al 1891," *La riforma sociale*, IV (1895), p. 241 ff., 258. In 1891, there were fewer employees of every category per 1,000,000 inhabitants than in 1859. After 1882, there was a growth, however, which gained momentum almost annually. N. R. Nicolai, *Burocrazia e funzionarismo* (Roma, 1913), p. 97 ff. The purchase of the railways by the state did not take place until 1905.

[8] The complaints of the civil servants were directed against inadequate salaries, parliamentary favoritism, disciplinary abuses, inadequacy of judicial recourse, etc. Rosmini, *loc. cit.*, pp. 195–198. Almost every ill was attributed by the public, at one time or another, to the "bureaucracy," from inadequate to unnecessary service and from despotism to ordinary acute *scrivomania*. P. Manfrin, *Tirannia burocratica* (Roma, 1900), p. 15 ff. The Italian indebtedness to critical French writings, and especially to M. F. Le Play, *La réforme sociale* (Paris, 1864), II, Ch. 63, was a heavy one.

[8a] The numbers of the various laws and decrees only are given, the *Lex* citations being omitted throughout this paper.

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movement developed rapidly among the public servants from 1900–10. Including the employees of the local governmental corporations, by 1910 about 132,000 governmental employees were organized into numerous "professional associations," "federal chambers," and sundry groups and unions.[9] The complexity of the vertical and horizontal relationships between the employee organizations was bewildering. Designed to safeguard the rights and to further the interests of their members, the organizations were quite active as pressure groups; and although most of them did not recognize the right to strike, an early example of "obstruction of the customs" and "two railway strikes" had to be officially reported.[10] On the whole, up to the World War resort to this extreme sanction was neither discussed nor undertaken as in France, and usually "*fonctionnaire* agitators became drowsy after spontaneous and noisy episodes."[11] However, at the end of the War there were several strikes in the industrial enterprises of the state, and particularly among the railway employees. A certain restlessness was evident also among other civil servant associations.[12]

Thus, on the basis of sporadic legislation and decrees and the usages which developed in the separate departments in the nineteenth century, there eventually emerged the general statutory provisions of the early twentieth century, covering the relations of the employee and the state. Syndicates and associations grew increasingly zealous in the protection and advancement of the interests of their members, and a system of administrative courts furnished guarantees, inadequate perhaps,[13] against arbitrary deprivation of certain specified rights. If the foundations of parliamentary government were lacking, and if parliamentary traditions were in their infancy,[14] it was not to be expected that a central unity would be found among the public servants. But traditions of public service were being built up when the Fascist movement, according to its spokesmen, began its "historic struggle against the bureaucracy"—that is, its partisan struggle for control of the bureaucracy.

II

The central administrative services in Italy at the present time include, in addition to the ministries, a number of autonomous agencies, separate

[9] *Le organizzazioni d'impiegati* (Roma, 1910), p. 12. A complete description of each of the organizations down to 1910 is included in *ibid.*, pp. 17–195. The ideological background is discussed in H. W. Schneider, *Making the Fascist State* (New York, 1928), Ch. 4.

[10] *Le organizzazioni d'impiegati*, p. 10. [11] Nicolai, *op. cit.*, p. 158.

[12] *Industrial and Labour Information* (1923), V, pp. 89, 479. On the Italian Labor Alliance, with its public servant affiliates, and the general strike of 1922, see Mario Viana, *Sindicalismo* (Bari, 1923), pp. 106–108.

[13] Ettore Lolini, *La riforma della burocrazia* (Firenze, 1919), p. 93.

[14] H. Finer, *Mussolini's Italy* (New York, 1935), Ch. 3.

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administrations, public corporations, and quasi-public corporations with varying legal relationships to the ministers, the public treasury, and parties other than the state.[15] The state-employee relationships are governed by a complex of laws, decrees, and regulations[16] through which the outlines of an administrative hierarchy, with extensive controls of the superior *fonctionnaire*, appear. In fact, though by no means in legal theory, the concentration of legislative and executive powers in the hands of these higher civil servants means that the effective limitations upon them are the self-imposed ones.[17] In other words, the lack of these limits on the controls over the subordinate governmental employees constitutes the most distinguishing feature of the Fascist bureaucracy. Consequently, there is a general uniformity in the methods and extent of control over the different types of government employees, despite a diversity in the treatment of the career problem in certain of the public services.

The basic norms which govern the state-employee relationships today are in part outgrowths of recommendations of commissions created during the post-war period to study acute personnel problems.[18] With this background, and with acknowledgment of its indebtedness to "Austrian precedents," the coalition government headed by Mussolini sponsored the legislative decree of November 11, 1923 (No. 2395), on the "hierarchical administrative systems of the state."[19] In official language, the purposes of this decree, which covered naval and military officials as well as civil employees, included "the establishment of the equality of grades of employees of the different services, the proportional equalization of the salaries of employees in the same grade," and "the conformity of the hierarchical system of salaries to the hierarchical system of grades."[20]

[15] *Direzioni generali autonome, aziende separate, enti pubblici*, and *enti parastatali*, respectively. For these distinctions, consult Presutti, *op. cit.*, II, pp. 51–53.

[16] The differentiations, especially between the various types of decrees, are drawn clearly in Cino Vitta, *Diritto amministrativo* (Torino, 1933–35), I, p. 24 ff.

[17] Cf., however, O. Ranelletti, *Istituzioni di diritto pubblico* (5th ed., Padova, 1935), pp. 493–506.

[18] *Ordinamento gerarchio delle amministrazioni dello Stato, supplemento alla G. U.*, Nov. 17, 1923, No. 270, 3. The report of the Villa Commission of 1919 is contained in *Relazione e proposte, Commissione per lo studio della riforma dell'amministrazione dello Stato* (Roma, 1919). Parts I (expecially pp. 11–16) and III are worth reading. The report of the parliamentary commission created in 1921 may be found in *Relazione della Commissione Parlamentare d'inchiesta sull'ordinamento delle amministrazioni dello Stato e sulle condizioni del personale* (Roma, 1921).

[19] This decree was issued on the basis of the legislative delegation of general powers on December 3, 1922 (No. 1601), over the "reorganization of public offices and institutions," etc. Vitta, *op. cit.*, II, p. 421.

[20] *Ordinamento gerarchio, op. cit.*, p. 2. Judges, teachers, and employees of the state monopolies, the state railways and posts and telegraphs, were not affected by the provisions of this decree, but have been dealt with separately.

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The civil employees were divided into three groups and thirteen grades. Group A, with grades eleven to one, included those with directive and advisory functions; Group B, with grades eleven to six, included those with administrative and auditing functions;[21] and Group C, with grades thirteen to eight, incorporated those with clerical and custodial functions. This decree of November 11 was followed, on December 30, 1923, by another (No. 2960) which dealt with the legal and economic status of civil servants.[22] There was nothing essentially "revolutionary" in these decrees. The uniform and somewhat crude classification system, the essential feature of the decree of November 11, had long been urged by employee associations, whereas the provisions of the decree of December 30 represented, in part, a codification of existing practices and an acceptance of earlier recommendations. Be that as it may, they have collectively constituted a general but flexible Fascist civil servant code.[23]

Affected by these decrees and by those covering the employees of other services, there were, as of July 1, 1921, some 337,969 civil employees listed officially as in the full-time and permanent employ of the central governmental services of the state.[24] Of this number, 139,776, or over 41 per cent, were railway employees. There has been an increase to a total

[21] In the Ministry of Finance, for example, the solicitor-general, the director of the mint, and chiefs of sections and technical experts are listed in Group A, while comptrollers, warehouse managers, engravers, and provincial inspectors are in Group B. *Ibid.*, pp. 33–127.

[22] This decree repealed all but two articles of the *Testo Unico* of November 22, 1908 (No. 693). Cf. F. D'Alessio, *Istituzioni di diritto amministrativo* (Torino, 1932–34), I, p. 423. Its most important provisions have been translated in L. D. White (ed.), *Civil Service in the Modern State* (Chicago, 1930), pp. 318–339.

[23] The provisions of this "code" must now be considered as "normative," in view of article 1 of the law of January 31, 1926 (No. 100), which vested in the *governo* the power of issuing regulations having the force of law affecting "the organization and functioning of the state administrations and of their personnel." See Presutti, *op. cit.*, II, p. 6.

[24] *Annuario statistico Italiano, 1919–1921*, Series II, Vol. VIII, pp. 358, 474. The usual difficulties of securing accurate figures on public employment, because of problems of inclusion and exclusion, are considerably aggravated in Italy by the inadequacy of early statistics and by the variations in entries in the different series which have appeared. Members of the party hierarchy have not been included, though they may be legally classed as "public officers." H. A. Steiner, "The Constitutional Position of the *Partito Nazionale Fascista*," in this REVIEW, Vol. 31, pp. 239–240 (Apr., 1937). On the tenuous legal distinctions between "civil servants" (*impiegati*), "employees" (*salariati*), and "workers" (*operai*), see O. Ranelletti, *Le guarantigie della giustizia nella pubblica amministrazione* (5th ed., Milano, 1930), pp. 552–553; G. Montefusco, *Il manuale del pubblico impiegato* (Milano, 1934), pp. 14–15. Use of the terms "civil servants," "employees," and "officials" in this paper is without necessary reference to the Italian legal differentiations.

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of 533,811 in 1936,[25] after some reductions from 1922 to 1924, especially in the state railways.[26] With due allowance for the growth in state functions, the major explanation for the larger figure of 1936 lies in administrative changes after 1925 which resulted in the inclusion of most of the employees of the local governmental units as employees of the central agencies. While the total number of government employees represents a smaller percentage of the population than in the more industrialized Germany, France, and England, the total of *central* government employees (1.24 per cent) is higher than in England and Germany (prior to 1933).[27] Excluding the educational services, less than six per cent of these central government employees are women, and the number is steadily decreasing.

With few exceptions, every employee who enters the service must take a public competitive examination and must begin his employment at the lowest grade of the group. Eligibility requirements include Italian citizenship, "full possession of political rights," a minimum and maximum age (usually 18–30), a sound physique, and a record of good moral conduct. In addition, a candidate must be enrolled in the Fascist party or in one of its associated organizations. Membership in a syndicate does not satisfy this requirement.[28] The academic training necessary for Group A is a university degree or its equivalent; for Group B, a diploma from a *liceo* or its equivalent; and for Group C, a diploma from a school lower in grade than the *liceo* or its equivalent. For the subaltern personnel, the requirements are correspondingly lower.[29] Among those who can meet these qualifications, the appeal of the public service has become more popular. Economic necessity, especially since the world depression, has been a potent factor in a country where it is becoming increasingly difficult to delimit the sphere of "private" employment. In the lower ranks, the comparative prestige value attached to uniforms and the visions of imperial glory often combine with security of tenure to offset more lucrative inducements of private employers. Despite serious impacts on its

[25] *Annuario statistico Italiano, 1937*, Series IV, Vol. IV, p. 214; Benedetto Barberi, *La dinamica del trattamento economico dei dipendenti dello Stato nel periodo 1913–1931* (Roma, 1935), p. 97 ff.

[26] From a maximum of 234,637 full- and part-time railway employees in 1921–22, representing a sharp increase over the 151,123 of 1918, there was a rapid decline to 171,716 in 1924. *Amministrazione delle Ferrovie dello Stato, Relazione per l'anno finanziario, 1935–36*, p. 34. See also *Annuario statistico Italiano, 1922–25*, Series II, Vol. IX, pp. 366–367.

[27] W. R. Sharp, "Public Employment," in *Encyclopaedia of the Social Sciences*, XII, pp. 628–629.

[28] G. Moccia, *Manuale dell'aspirante ad impiego nelle pubbliche amministrazioni* (Roma, 1935), p. 17 ff.

[29] For a detailed discussion, see Martino Arnoldi, *Il concorso ai pubblici impieghi* (Brescia, 1935), pp. 47–52. On the American equivalents of these educational prerequisites, see note 2 in White, *op. cit.*, p. 303.

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position, the pre-war aristocracy still dominates the foreign service; but the new Party élite prevails elsewhere.[30]

The examinations are announced by ministerial decree in the *Gazzetta Ufficiale* (*G. U.*), and are conducted by boards constituted according to regulations in the separate departments.[31] Consisting of both written and oral parts, which are given for the many rolls, they defy any general characterization. They range from the technical ones of the state railways to those for the selection of teachers and of members of the foreign service. Elementary arithmetic and geometry are emphasized in the preparation for the post of *alunno d'ordine* in the former;[32] elementary teachers must prepare a written theme on a specified subject before they are admitted to the oral examination on pedagogy, history, geography, Fascist culture, and the Italian language;[33] the foreign service examination, a very rigid one, covers international law, political economy, economic geography, history, and foreign languages, as well as constitutional, civil, and "corporative" law.[34] University training in law, economics, or political science predominates among those who take the more generalized examinations for entry into Group A among the services affected by the decree of December 30, 1923.[35] Despite some academic proposals to that end, no psychological or aptitude tests have as yet been introduced.[36] In the absence of any central agency or commission, the uncorrelated practices and irregularity of examination dates of the separate administra-

[30] No study has been made of the classes and social groups from which the higher civil servants in Italy have come. However, one strongly questions the contention that "most of the high bureaucracy in the Ministry of Corporations originated outside the government service." Harold D. Lasswell and Renzo Sereno, "Governmental and Party Leaders in Fascist Italy," in this REVIEW, Vol. 31, at p. 921 (Oct., 1937). Not one of the 30 directors-general, inspectors-general, and chiefs of division on the Group A rolls entered the service after 1916. *Ministero delle Corporazioni, Ruoli di anzianita del personale* (Roma, 1937), pp. 7–8, 39.

[31] The boards usually include both academic and official members. A typical examining board for the foreign service includes a retired ambassador, two career men, and two university professors. A royal decree of March 23, 1933 (No. 185), regulates the composition of the examining boards for posts in the Ministry of Finance.

[32] E. Caioli and T. de Renzis, *Manuale per la preparazione agli esami di concorso a posti alunno d'ordine nelle ferrovie dello Stato* (Roma, 1935).

[33] Marco Tullio Zanzucchi, *Legislazione scolastica* (3rd ed., Milano, 1936), p. 111.

[34] *G. U.*, Dec. 5, 1936, No. 282.

[35] Officials in the personnel office of the Ministry of Corporations list the subjects in the order given for *impiegati* on their Group A rolls. This correlation between the universities and the public services helps to explain the heavy concentration in these fields of study in the universities. *Annuario statistico Italiano, 1937, op. cit.*, p. 274.

[36] Raffaele Numeroso, *Psicotecnica e ufficio del personale nelle pubbliche amministrazioni* (Napoli, 1935), p. 22 ff.

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tions make for a surplus of qualified candidates at times and a dearth at others, conditions which the official Committee on Bureaucratic Reform criticized sharply in 1929.[37] While no statistics are available on the number of employees appointed through special dispensation, i.e., without taking the regular assembled examinations, there are instances of such individual and "group" appointments. In 1928, there were 60 of these appointments to the consular and diplomatic services because of "necessity and political considerations."[38] And here, obviously, there are possibilities for the exercise of personal favoritism.

The successful candidates are listed in the order of their standing on the examinations, with preferences, such as the length of party service, determining priority in cases of equal rating. There follows a period of probationary service, usually six months, before the oath is administered and a permanent post secured. Promotions from grade to grade in the group are determined for all grades above the fifth by the Council of Ministers. Below Grade V, the promotions are based upon seniority, merit ("comparative" or "absolute"), and eligibility as determined by examinations or by various combinations of these factors.[39] The evaluation of merit is dependent largely upon service ratings, which are compiled on forms prepared by the separate administrations in January of each year. They are filled out by the head of the service, revised and signed by the chief of the office, and carry the classifications, "excellent, very good, *good, mediocre,* and bad." In each of the departments, an administrative council presided over by the minister or his representative, and composed of superior civil servants, hears appeals from efficiency ratings, and acts as a final arbiter in promotional cases.[40] The rôle of the subordinate is limited throughout to this right of appeal to a higher

[37] Note the *Relazione* of the Committee reprinted in G. Montefusco, *Il codice del pubblico impiegato* (Roma, 1935), p. 37.

[38] Most of these were subordinate consular officials. In August, 1937, six ambassadors, four ministers, and a few consuls-general were non-career men.

[39] Arts. 19–45 of the decree of December 30, 1923, in White, *op. cit.*, pp. 323–329.

[40] The efficiency records range from the highly detailed one of the Ministry of Public Works to the briefer and more general one of the Ministry of Corporations. The former, in addition to general questions, consists of 23 headings, including (1) morality, (2) work, diligence, and activity, (3) attitude toward the functions of the higher grade, (4) disciplinary punishments, and (5) final classification. The latter includes a heading on "private conduct" and "national feeling and devotion to the state." The ratings under each heading are invariably in general (never numerical) terms, such as "excellent, good, mediocre, and bad," and serve only as a general explanation for the final rating. Completed records are not open for inspection. In the foreign service, the head of a consulate or embassy submits annually a report on the wife of each foreign service officer, which may affect his rating. On the promotional procedure in Posts and Telegraphs, consult De Rossi, *Ordinamento organico dell'amministrazione delle Poste e dei Telegrafi* (Roma, 1931), pp. 40–41.

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authority. In the larger ministries, the personnel offices play an important part in the promotional process, the more so since the director of personnel is always a member of the administrative council. The place that favoritism holds in the part of the procedure involving personal judgments cannot be determined, but disappointed employees refer to it as "Cianoism."[41]

The three most severe disciplinary punishments—suspension from office with loss of salary, "revocation," and discharge—are inflicted by the minister upon recommendation of a disciplinary commission, which consists of three higher civil servants who are appointed annually by the minister.[42] The penalties of censure and reduction of salary may be imposed by the head of the office after a hearing. Appeals to the minister are few and rarely sustained.[43] The grounds for "revocation" and discharge range from incapacity to "lack of sympathy with the general political policies of the government." Few applications of these penalties on political grounds occur, for the simple reasons that employees are now "filled with sympathy" before they can enter the service and that those who did not so qualify were removed in the earlier purges.[44] In the opinion of the Committee on Bureaucratic Reform, all collegial bodies should be eliminated in disciplinary procedure,[45] a recommendation which would eliminate even the advisory disciplinary commissions between the superior and subordinate civil servants.

The highly compartmentalized nature of the administrative organization is evidenced by the paucity of transfers between departments and between bureaus within the same department.[46] The case of the Ministry of Corporations, in which between 700 and 800 of its some 1,900 employees (1936) were taken over from other ministries, and that of the Ministry of Popular Culture, which was partially staffed in its inception by officials

[41] Recent statistical information on promotions may be found in *Bolletino ufficiale, Ministero delle Corporazioni*, May, 1936, pp. 85–92; *Direzione Generale delle Poste e dei Telegrafi, Relazione, 1934–1935*, pp. 1–7; *Amministrazione delle Ferrovie dello Stato, Relazione, 1935–1936*, p. 37.

[42] The Council of Ministers acts as the disciplinary commission for employees above Group V. Art. 56 of the decree of December 30, 1923, in White, *op. cit.*, p. 332.

[43] For employees of the state railways, where somewhat different rules apply, there were in 1935–36 only 119 appeals to the Minister of Communications, of which 98 were dismissed. *Relazione, 1935–1936*, p. 38.

[44] Of 3,167 employees who left the railway service in 1935–36 for any cause, only 56 represented revocations or dismissals on *all* grounds. *Idem.*

[45] Montefusco, *op. cit.*, p. 40.

[46] The information in this paragraph is based upon answers to questionnaires received from officials in the personnel offices of the ministries of Interior, Finance, Corporations, Public Works, National Education, Italian Africa, and Popular Culture, and upon personal interviews.

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from the Ministry of Foreign Affairs,[47] are not in point. Occasionally, appointments of officials are made to grades above the fifth, from one ministry to another, by the Council of Ministers, but these are the distinct exceptions. In addition, the personnel offices of the ministries maintain but few occasional contacts with each other.

In-service training has been almost exclusively confined to the state railways and to the postal and telegraphic administration. The Royal Experimental Institute has been active in training employees in radiotelegraphy through the Superior School of Telegraphy and Telephony, and has also given attention to instruction in technical railway problems.[48] In the other ministries, even the preparation for promotional examinations is left entirely to the individual employee. Official criticism has been directed at the failure to utilize newer mechanical devices for communication between departments and offices and for otherwise expediting work.[49] However, proposals to alter administrative techniques suggest Taylorism, and Taylorism is linked with some of the other "isms" by most Italian public servants.

Since budgetary possibilities have always been limited by certain objectives of the Fascist régime, the economic status of the state employees has witnessed many changes since 1922. After blanket increases in 1923, 1925, 1929, and 1936, along with decreases in 1927, 1930, and 1934, the initial annual salary of civil employees ranged from 47,672.06 lire in Group A, Grade I, to 8,308.40 lire in Group A, Grade XI;[50] and from 14,601.94 lire in Group C, Grade VIII, to 3,784.00 lire in Group C, Grade XIII.[51] This salary range was thus roughly, in October, 1936, from $2,500 for Group A, Grade I, to $200 for Group C, Grade XIII.[52] The subaltern personnel received correspondingly lower amounts. The general eight per cent increase in 1936 was followed in June, 1937,[53] by an additional eight per cent increase, "due to the urgency of revision occasioned by general economic conditions and by changes in the price level."

In addition to this initial salary or wage, there are a number of increases and allowances which augment this basic compensation. Supple-

[47] In July, 1937, there were still two directors-general and 10 or 12 foreign service officers reported as on "loan" from the Ministry of Foreign Affairs. The internal organization of the Ministry of Popular Culture is discussed in some detail in T. Cole, "The Italian Ministry of Popular Culture," *Public Opinion Quarterly*, Vol. 2, pp. 425–434 (July, 1938).

[48] These activities have received growing attention during the past decade. Costanzo Ciano, *Le communicazioni nel primo dicennio fascista* (Verona, 1933), p. 48.

[49] Montefusco, *op. cit.*, p. 41.

[50] G. Moccia, *Il trattamento economico del personale statale* (2nd. ed., Roma, 1936), p. 179 ff. [51] *Ibid.*, p. 191 ff.

[52] The lira quotation of .0526 has been used.

[53] *G. U.*, July 10, 1937, No. 1033. There were corresponding increases for employees of the railway and postal and telegraphic services.

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ments for active service are added periodically.[54] Premiums are allowed for overtime and for extra work; subsidies may be granted "in cases of dire family necessity," and assistance is rendered by the *Opera di Previdenza* in instances of illness.[55] A system of special family allowances, conditioned by grade and seniority and varying with the number of dependents, was an innovation of June 27, 1929 (No. 1047), to replace the temporary "cost of living bonuses."[56] By royal decree law of February 6, 1936 (No. 236), provisions are made for marriages and childbirths, a concession to be linked with an earlier one which granted income tax exemptions to civil servants with seven or more children.[57] To these items may be added the annual grant of not over one month's vacation with pay, assistance in coöperative housing projects, and the lending of money through a guaranty fund, or aid in securing loans through a guaranteed cession of salaries.[58] Finally, the manifold activities of the *Dopolavoro*, which is aided, though not financed, by the government, might be mentioned.[59]

The pension system in operation today has a history which can be traced back to the systems of the Italian states before the kingdom of Italy was established.[60] In its broadest outline, the right to a pension is accorded an employee with 20 years of active service, provided he (1) has reached the retirement age fixed in the various decrees, (2) is unable, through infirmity, to perform his duties, (3) is suspended, removed, or discharged from the service through official action not carrying the loss of pension rights, or (4) falls in certain special groups.[61] The system is a compulsory and partial contributory one, a percentage of the compensation of the employee being retained by the Treasury for this purpose.[62] The normal pension is reckoned on the basis of the average of such salaries and allowances during the last three years of active service of the employee as can legally be included for these purposes. For example, the pension of an employee who has completed 40 years of active service is

[54] G. Moccia, *Il trattamento economico, op. cit.*, p. 35 ff.

[55] Aldo Lusignoli, in White, *op. cit.*, pp. 311–312.

[56] However, some consideration was again given to the cost of living index by the decree of April 14, 1934 (No. 561).

[57] G. Moccia, *Il trattamento economico, op. cit.*, p. 152.

[58] G. Moccia, *La cessione degli stipendi del personale dello Stato degli enti locali e parastatali* (Roma, 1931), pp. 11–22.

[59] *Dopolavoro, Freizeit-Gestaltung in Italien* (Roma, 1936), pp. 17–18. The *Dopolavoro* of the railway employees has been particularly active in furnishing travel, library, music, sport, and school facilities for its members.

[60] "In 1835 the right to a pension was accorded employees in the Sardinian States in cases of permanent disability, 45 years of service, or attainment of the age of 72." Schupfer, *loc. cit.*, p. 1096.

[61] G. Moccia, *Il trattamento di pensione del personale statale* (Roma, 1933), pp. 11–12. [62] G. Moccia, *Il trattamento economico*, p. 147.

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80 per cent of this triennial average, but it cannot exceed the salary of the last year of active service.[63] The separate pension systems of the railway and postal and telegraphic administrations do not differ essentially from that of the "central administrative services."[64]

Despite their many special economic allowances and privileges, the state employees in Italy are extremely poorly paid. Treasury deductions of 8 per cent for income taxes, 6 per cent for pensions, and 2.02 per cent for other purposes make the heavy inroad of 16.02 per cent upon salaries[65] —"charging," as one employee has remarked, "what the traffic will bear." The average annual salary of the 300,908 employees under the direct control of the ministries (excluding those of War and Marine) did not exceed $550 in 1936, and the great bulk of employees received far below that figure. In fact, Mussolini admitted to the Chamber of Deputies on May 26, 1934, that there were 250,000 public officials who earned less than 500 lire (about $42.50) a month, and 245,000 who earned less than 1,000 lire (about $85.00).[66] On the whole, an effort has been made to keep real wages on a level plane; but the reductions in 1930 and 1934 were proportionately sharper than the drop in the official cost of living index number. With the salary increases in 1936 and 1937, there has been an improvement over the low level of 1934, but the rise in the cost of living index number, from 80.50 in 1933 to 83.52 in 1936,[67] has offset some of the actual advantages. In the distribution of the national income, the needs

[63] G. Moccia, *Il trattamento di pensione, op cit.*, p. 54. Note the method of computation where the pensions are "liquidated" (*ibid.*, pp. 153–165). For the most recent changes in the pension provisions, see Arts. 9 and 10 of the royal decree law in *G. U.*, July 10, 1937 (No. 1033).

[64] In the aggregate, the total number of civil pensioners in Italy bulks large. On June 30, 1936, there were 98,583 on the pension rolls of the "central administrative services." This figure includes men, women, and children who were eligible, but takes no account of the 13,514 pensions "liquidated" in 1935–36. *Annuario statistico Italiano, 1937, op. cit.*, p. 215. On the pension rolls of the Railway Administration during the same period, there were 100,193. *Amministrazione delle Ferrovie dello Stato, Relazione, 1935–1936*, pp. 41–42. The relative contributions of the personnel, the Treasury, and the Railway Administration to the railway pension fund are listed in *idem.* A more detailed summary of retirement and pension legislation in Italy, with comparisons, is included in "Public Service Retirement Systems," *Bureau of Labor Statistics Bulletin No. 447* (Washington, 1929), pp. 11–15, 210–212.

[65] G. Moccia, *Il trattamento economico, op. cit.*, p. 147. The deductions on the supplements are not as heavy (*ibid.*, p. 150).

[66] Quoted from G. Salvemini, *Under the Axe of Fascism* (NewYork, 1936), p. 344. A large part of these lower paid employees, outside of the subaltern personnel, is engaged in clerical, manipulative, and custodial work. The lira quotation of .0851 has been used.

[67] *Annuario statistico Italiano, 1937, op. cit.*, p. 159. The base is 100 on June 1, 1928. Cf. Salvemini, *op. cit.*, pp. 231–237.

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of the state employees have been subordinated to other ends of the Fascist régime. Undoubtedly there is much criticism and hopelessness among those in the lower brackets, but there is little tendency to criticize other than "the poverty of Italy," or "foreign enemies" on whom this poverty can be blamed. And, after all, the employees consider that their economic status has been better than that of the professional and "white collar" worker in private employment.

Nevertheless, the major reason why only limited criticism is directed against the government's fiscal policies and the administrative controls as such lies in the almost complete dependence of the employee upon his superiors for guarantee and protection of his legal rights. In cases where advantage is not taken of the possibility of "extraordinary recourse" to the king as the "supreme head of the public administration," there is legal right of appeal to the administrative courts.[68] According to the *Testo Unico* of the laws on the Council of State, there is granted to this highest administrative tribunal "exclusive jurisdiction" over most questions arising out of the service relationship which involve "the employees of the state, of the public corporations, and of the institutions placed under the jurisdiction or sole supervision of the central administration of the state." Included are "all the questions involving rights," with the exception of certain patrimonial ones.[69]

The laws regarding aspects of the service relationship vary. In instances where one of the employees of a ministry is dismissed, for example, appeals can be taken to the Council of State on grounds of "incompetency" (lack of jurisdiction) and "violation of the law."[70] The Council of State recognizes a lack of clarity, "due to conflicting and vague legislative provisions," as to its jurisdiction in cases of dismissal for political reasons.[71]

[68] Cino Vitta, *Il potere disciplinare sugli impiegati pubblici* (Milano, 1913), pp. 514–515.

[69] *Testo Unico* of June 26, 1924, No. 1054, Art. 29, in *Testo Unico delle leggi sul Consiglio di Stato* (Roma, 1936), pp. 14–15. Cf. Carlo Bozzi, "La competenza esclusiva del Consiglio di Stato e il rapporto di pubblico impiego," in *Il Consiglio di Stato, Studi in occasione del centenario* (Roma, 1932), III, pp. 127–214. The Council of State consists of a president, 5 presidents of sections, and 50 councilors, as well as secretaries and *referendari*. The presidents and councilors are appointed by royal decree upon nomination of the Minister of Interior, following deliberation of the Council of Ministers. *Testo Unico* of June 26, 1924, Art. 1, *loc. cit.*, p. 6. The cases involving public employees come before Sections IV and/or V, which constitute the Council of State in "Jurisdictional Session." Ranelletti, *Le guarentigie, op. cit.*, pp. 400–404. On the jurisdiction of the provincial councils over employees of "local governmental corporations," see *Testo Unico* of June 26, 1924, No. 1058, Art. 4, in *Testo Unico delle leggi sul Consiglio di Stato, op. cit.*, pp. 37–38.

[70] Ranelletti, *Le guarentigie, op. cit.*, 425. The "legitimacy" of an administrative act may be questioned on the three grounds of "incompetency," "excess of power," and "violation of the law." *Ibid.*, pp. 82–83, 95 ff., 122 ff., 422, 438.

[71] *Il Consiglio di Stato nel quinquennio, 1931–1935* (Roma, 1937), p. 721. How-

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But there is little need to multiply the illustrations. The paucity of cases involving public employees would indicate that the Council of State is appealed to only in the most unusual circumstances.[72] The method of selecting the members of the Council, the ease with which new decrees can be issued, and the lack of legal assistance do not tempt the employee to seek recourse outside the administrative hierarchy. In addition, the dependence of the Council of State upon administrative agencies for enforcement of its decisions in such cases[73] would deter an employee from questioning an administrative act when he might be subjected to other and more refined procedures that fall outside the jurisdiction of the Council of State. As to the "psychological" effect of the legal right of appeal on both superior and subordinate *fonctionnaires*, others must judge; but in no sense can one today compare the rôle of the Italian Council of State with that of its French counterpart.

The lack of an effective right of association on the part of state employees has rendered their dependence upon the administrative heads more complete. Because the "possession of complete freedom of association, with the state as employer, would be contrary to the best interests of the state," syndicates of state employees were forbidden by a law of April 3, 1926 (No. 563), together with a legislative decree of July 1, 1926 (No. 1130).[74] However, associations could be authorized, within legal limits, by the Head of the Government in conjunction with the minister upon whom the personnel depended. Thereafter, recognition was accorded the Fascist Teachers' Association (with five sections), the Fascist Association of Public Employees, the Fascist Association of Railway Employees, the Fascist Association of Postal and Telegraphic Employees, and the Fascist Association of Employees of State Industrial Enterprises.[75] These

ever, some of the laws recognize specifically the right of certain groups of employees to appeal to the Council of State in jurisdictional session in cases of dismissal for reasons of political incompatibility. *Idem.* On the questions raised in cases from 1931–35, consult *ibid.*, pp. 640–693.

[72] In 1935, there were only 38 appeals of "employees of the state" on questions of promotion, suspension, dismissal, retirement, seniority, efficiency ratings, transfers, etc. Of these, 8 were accepted in full and 4 in part for hearings by the Council of State. From the employees of the state railways there were, during the same year, only 9 appeals, of which 6 were rejected (*ibid.*, pp. 966–967). Comparative statistics for the years 1931–35 are included in *ibid.*, p. 916.

[73] For controversial discussions on this point, cf. Presutti, *op. cit.*, III, pp. 225–226, and Antonio Casalin, *Il codice della giustizia amministrativa* (Venezia, 1937), pp. 144–145.

[74] Note Art. 11 of the former and Arts. 92–93 of the latter. Cf. Carlo Costamagna, *Manuale di diritto corporativo Italiano* (Torino, 1927), pp. 122–124. Severe restrictions had previously been placed upon the right of association by the Associations Law of Nov. 26, 1925, No. 2029, Art. 2.

[75] The first to be recognized was the Fascist Association of Railway Employees on Aug. 23, 1926. *G. U.*, Aug., 1926, No. 196.

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associations, with a combined membership of 691,531 in October, 1936,[76] are under the direct control of the Fascist party. The secretary of the party appoints the *Fiduciario* of each, and the national *Fiduciario*, in conjunction with the federal secretary of the party, appoints the provincial *Fiduciario*.[77] In need of no clarification, the statement of purposes in the decrees of recognition includes the "inculcation of the proper Fascist tenets," "internal discipline of the membership," and "exclusive representation of the membership." Since these associations "must have the welfare of both the administration and the personnel at heart," one provincial *Fiduciario* explained, "they must confine themselves solely to conciliation in disputes." Legal advice is furnished on technical questions, but not before the courts. For the vast majority of public servants, membership evidences the necessary "full and unconditional allegiance of a public official to the Fascist régime" at a cost of only four lire a year. In few countries have the problems of administrative syndicalism been more decisively solved.

III

Mussolini's great achievement as an administrator lies in his attainment of a working synthesis between the bureaucracies of the party which he created, of the army which helped to create him, and of the state which he captured. The party has lost its original rôle, the army its exclusive functions, and the civil service its neutrality. Now all are fighting organizations bound by *Il Duce's* eternal goals. Throughout, the main cog in this higher synthesis has been the civil service. Since 1923, Fascists have given much attention to its problems of control, but considerably less to its career aspects. Although the controls have been simplified and refined, the career opportunities and motivations have not been greatly changed. Some personnel studies conducted by foreigners evidence too much attention to trains running on time and too little to the capacity and willingness of the civil servants to do likewise.

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[76] Information furnished the writer by officials in the office of the *Fiduciario* of the Fascist Association of Public Employees.

[77] *Il Partito Nazionale Fascista* (Roma, 1936), pp. 86–87.

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NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

The photographs of past presidents of the American Political Science Association, presented on four panels at the front of this issue, were assembled and furnished to the REVIEW by Professor Edwin A. Cottrell, of Stanford University.

Dr. Max Lerner has resigned from the staff of *The Nation* to accept a professorship of government at Williams College.

Professor Carl B. Swisher has been appointed to the Thomas P. Stran chair of political science at the Johns Hopkins University. He spent the past summer conducting a research project for the U. S. Department of Justice.

During the earlier portion of the present academic year, Professor Harold J. Laski, of the University of London, served as visiting professor of political science at Teachers' College, Columbia University. He lectured also at Harvard University and Radcliffe College.

Professor W. Ivor Jennings, whose recent works on British constitutional and administrative law are well known to American scholars, is teaching political science during the present academic year at the University of British Columbia.

After spending the summer in Mexico City, Dr. Samuel Guy Inman returned to the University of Pennsylvania for a second year as visiting professor of political science in the field of Latin-American relations.

Professor Charles G. Fenwick, of Bryn Mawr College, is serving as one of the delegates of the United States in the Congress of American Republics, opened on December 9 in Lima, Peru.

Mr. Henry W. Toll has resigned as executive director of the Council of State Governments and has been succeeded by Mr. Frank Bane, recently director of the Social Security Board.

Professor Karl Loewenstein, of Amherst College, taught at the University of California during the summer session of 1938.

Professor Harold F. Gosnell, of the University of Chicago, spent the month of September in Washington, D. C., assisting in organizing an in-service training conference for state planning board technicians.

Dr. Hans J. Morgenthau, formerly of Brooklyn College, has been appointed assistant professor in the school of law and the department of history and political science at the University of Kansas City.

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Dr. G. Leighton LaFuze, recently of the staff of the National Archives, is now professor of history and political science at the John B. Stetson University, Deland, Florida.

Dr. Paul A. Palmer, formerly of Rockford College, is now associate professor of political science at Kenyon College, Gambier, Ohio.

Dr. Philip W. Ireland, now associated with the department of government at Harvard University, spent the past summer in Turkey studying the permanent bases of Turkish foreign policy.

Since returning from a year of research abroad, Dr. Lee S. Greene has been serving as supervisor of training in public administration for the TVA and also as assistant professor of political science at the University of Tennessee.

New instructors in political science at the University of Chicago include Messrs. James Watkins, Natan C. Leites, and John Hazard.

Mr. W. H. Wickwar came from London in September to take charge of the work in political science at Rockford College.

Mr. Landrum R. Bolling has been appointed instructor in political science at Brown University.

At the University of Pennsylvania, Mr. Edgar B. Cale has been appointed instructor in the department of political science. Two members of the Philadelphia Bar, Mr. Irving Segal and Mr. Robert Trescher, are also beginning their duties in the department.

At the George Washington University, the School of Government has moved into the recently completed Hall of Government, given to the University by Mrs. Henry Alvah Strong.

Yale University has appointed Dr. Harold D. Lasswell, formerly of the University of Chicago, visiting Sterling lecturer in law and Professor Clyde Eagleton, of New York University, visiting lecturer in international relations.

Under arrangements effected this year, ranking graduates of the University of New Hampshire will henceforth be awarded interneships enabling them to gain practical experience in various branches of the state government.

Dr. George E. G. Catlin, formerly of Cornell University, and now a publicist in London, will be visiting professor of political theory at the American University Graduate School during the second semester of the present academic year. Professor Catlin will give a series of public lec-

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tures on "Democracy Re-appraised," and will conduct a graduate seminar on "The Anglo-Saxon Tradition and Its Critics."

During the past summer, Professor H. C. Nixon resigned as head of the department of history and political science at Tulane University, and of late he has been serving as field chairman of the Southern Conference for Human Welfare, with headquarters at Birmingham, Alabama. At Tulane, Dr. W. V. Holloway, associate professor of political science, is acting head of the department, and Dr. James J. Robbins, who last year was a preceptor in politics at Princeton, is visiting assistant professor.

After teaching during the second semester of last year in the department of history and political science at Tulane University, and during a portion of the summer at the University of Virginia, Professor Johannes Mattern has returned to his regular work at the Johns Hopkins University.

At Dartmouth College, Mr. Norman H. Hinton, formerly of Barnard College, has been appointed assistant professor of political science, and Drs. Robert K. Carr and Elmer E. Smead have been advanced from instructorships to assistant professorships.

At the University of Oklahoma, Dr. L. A. Doran is on leave, recovering from an illness, and Mr. LeRoy E. Stewart, a graduate student, is conducting his classes. Mr. Lynden Mannen, an instructor, is also on leave, completing his graduate studies at the George Washington University, and his place is occupied by Dr. Joseph C. Pray.

Among participants in a symposium on political and social philosophy held at the University of Notre Dame on November 4–5 were Professors Carl J. Friedrich, Harvard University; Jerome G. Kerwin, University of Chicago; Goetz Briefs, Georgetown University; Charles G. Fenwick, Bryn Mawr College; and Waldemar Gurian, University of Notre Dame.

A secretariat of the Pacific Northwest Council of Education Planning and Public Administration was recently established in Portland, Oregon, with Mr. Kenneth O. Warner, formerly Arkansas state personnel director, serving as executive director. Under a three-year grant of funds, the Council will transmit to educators, public officials, and civic leaders information concerning scientific and social research and practices pertaining to the management of natural resources, conservation, public welfare, and public administration in the Pacific Northwest.

Dr. Carl N. Everstine, who received his degree in political science at the Johns Hopkins University last June, is teaching part time in the College for Teachers at that institution, and is also supervisor of the

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Survey of Federal Archives for Maryland. Dr. Harold F. Sylvester, who received his degree at the same time, is assistant director of research for the New York Joint Legislative Committee on Industrial and Labor Relations.

The results of some 2,000 research projects carried on as part of the federal work relief program are summarized briefly in a digest and index which has been published by the Works Progress Administration. This volume of 291 pages contains a concise statement of the principal conclusions of each study and an alphabetical subject-index to the contents. The reports on the projects touch upon nearly every field of natural and social science, and many have appeared in the form of articles in scholarly journals. However, several hundred of the reports summarized are in manuscript form, and arrangements have been made with the American Documentation Institute whereby microfilm copies of the original reports will be furnished at nominal rates for the use of research specialists. A small edition of this volume has been prepared for distribution to the larger public and university libraries, where it will be available for reference, and for government departments, industrial concerns, and research foundations. A number of copies are still available, and requests should be addressed to the Works Progress Administration in Washington.

A graduate training program has been inaugurated by the Institute of Local and State Government at the University of Pennsylvania and, for the experimental period at least, will be centered in the Graduate School of Business Administration. A new major—"local and state government administration"—has been created. The requirements for the major will be met by (a) two new seminars—one in local and state government administration and the other in local and state government problems—and (b) forty hours a month of laboratory work in local government offices. Professor H. F. Alderfer, of Pennsylvania State College, is visiting lecturer in political science in charge of this program during the first semester. The Institute's undergraduate apprenticeship program is being carried on during the current academic year in much the same manner as last year. However, the ten new undergraduates who have been selected are all juniors in the various schools of the University; and this will give the Institute two years for sifting out the most likely candidates for the graduate scholarships. On request of the Rotary Club of Philadelphia, a training course in citizenship has been organized by the Institute, conducted by means of a series of dinner meetings for young voters nominated by members of the Club.

The Committee on the Psychology of Peace and War, of the Society for the Psychological Study of Social Issues, is interested in making con-

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tact with political scientists who have been investigating, or who are interested in collaborating on investigations of, the psychological aspect of international conflicts. The Committee's immediate activity is the preparation of a yearbook in which it is hoped to deal with the psychological influences leading to resort to war as a means of solving international difficulties. Persons having unpublished material or new ideas which they would like to discuss with others taking a psychological approach to the problem are asked to communicate with the chairman of the Committee, Dr. Ross Stagner, University of Akron, Akron, Ohio.

Some Recent Developments Affecting Facilities for Research in Government Agencies in Washington. Certain recent developments in Washington, tending to facilitate research in political science and associated disciplines (whether carried on in Washington or elsewhere) are worthy of note.

Under the terms of Public No. 750, 75th Cong., 3d Sess., approved June 25, 1938, designated depositories, which include land-grant colleges and state and territorial libraries, may become recipients of copies "of Journals of the Senate and House of Representatives, of all publications, not confidential in character, printed upon the requisition of any congressional committee, of all Senate and House public bills and resolutions, and of all reports on private bills and resolutions, and of all reports on private bills, concurrent, and simple resolutions." The librarian of a library designated to receive such publications makes his request of the Superintendent of Documents, who communicates the request to the Public Printer in order that the necessary copies may be furnished. Prior to the enactment of this law, public bills, resolutions, and committee hearings and reports on private bills and simple and concurrent resolutions have not been available for depository distribution.

Librarians of libraries which have been designated as depositories are authorized to request that "the allotment of copies furnished for distribution to libraries shall be increased or reduced from time to time." This stipulation enables a librarian, in coöperation with the departments of instruction of a depository institution, to select those government publications which have particular utility for such departments, relieving the library from the necessity of accepting every publication of the federal government.

Readers of this REVIEW are familiar, of course, with the series of executive agreements now being effected between the United States and other nations providing for an exchange of government publications designated in the agreements. It may be pointed out that these agreements mean that the Division of Documents of the Library of Congress will receive as a matter of course the official publications of the following govern-

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ments with which our government now has agreements: Chile (Executive Agreement Series 112); Cuba (Executive Agreement Series 123); Peru (Executive Agreement Series 103); Mexico (Executive Agreement Series 108). The official publications which are to be exchanged in consequence of these agreements include not only those issued by the administrative agencies of the national government but also those of the national capital. For instance, the executive agreement between the United States and Peru stipulates that in exchange for the official publications of the departments of the government of the District of Columbia the municipality of Lima will transmit to the Division of Documents of the Library of Congress the annual report of the alcalde, bulletins of the municipal library, regulations of the municipality, and municipal decrees and resolutions.

It should be noted that in addition to the publications which are sent in exchange to the Library of Congress as provided by executive agreements, the Library of Congress is actively engaged in securing documentary data from the civil subdivisions of a large number of European and South American countries.

A word may be added concerning those two invaluable aids, the *Monthly Catalogue of United States Public Documents* and the *Monthly Check-List of State Publications*. The former is compiled by the Superintendent of Documents, Mr. A. P. Tisdel, the latter by the Division of Documents of the Library of Congress under the direction of Mr. James B. Childs. Emphasis should be given to the fact that for several years not only printed but also mimeographed and other processed publications issued by the governmental agencies of both the national and state governments are included. In the light of the fact that official publications appearing in these forms have been coming out in greatly increased volume during the last six years or more, their listing in these two bibliographical aids is of the highest importance to research in political science. It has been suggested in some quarters that a monthly check-list of documents listed for distribution by local and municipal governments in the United States should be issued by the federal government, especially since the contacts between such governments have, in recent years, become more intimate.

The State Law Index of the Library of Congress, under the direction of Miss Margaret Stewart, has recently published the first of a series of pamphlets on state legislation. These are classified into two categories. In the first place, there are special reports, of which No. 1 is entitled *Sources of Information on Legislation, 1937–1938*, comprising a bibliographical list of published material, whether official or not, on state legislative bills and enactments. This pamphlet is not to be confused, of course, with the *Monthly Check-List of State Publications*, referred to above, which is confined to listing official documents. Secondly, mention

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should be made of the *State Law Digest*, of which No. 1 is now available. This publication reviews reported bills introduced between January 1 and March 31 in state legislatures meeting in 1938. Both of these series of pamphlets will appear at irregular intervals and will supplant the *State Law Index: An Index and Digest to the Legislation of the States of the United States*. Both series of pamphlets may be purchased of the Superintendent of Documents.—GEDDES W. RUTHERFORD.

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The End of Democracy. By Ralph Adams Cram. (Boston: Marshall Jones Company. 1937. Pp. ix, 261. $3.00.)

"If I am a democrat," says Sir James Jeans, "it is mainly because I cannot find anything else to be." This philosophy of last resort is hardly a safe one with which to support a democratic scheme of government, and the author of the present volume is convinced that the contemporary attitude of defeatism presages the end of democracy. The question to which he addresses himself is what form of government will follow its liquidation.

The attempt to suggest an answer to this question carries him into an extended historical survey of governmental forms, with particular reference to their avowed ideals. Democracy as a scheme of government, both past and present, is examined from every angle—its philosophy and foundations, its development, its achievements, and its shortcomings. The result is a definite conclusion that the democratic state has utterly failed to realize its three primary objectives, namely, "abolition of privilege, equality of opportunity, and utilization of ability." Our present degenerate democratic society, the author declares, is shot through and through with purchased privilege. Equality of opportunity is a myth in a social order which spends millions on an educational system to divert young men and women from the work that they are by nature best fitted to do. And under contemporary democratic government employment and advancement are everywhere tinctured by favor, or they are achieved by lowering the standards of high professions. All in all, "the new democracy is cancelling the freedom that was to have been guaranteed to us by the old" (p. 38).

But if modern democracy is busily germinating the seeds of its own destruction, what will follow its ultimate collapse? For the United States, Mr. Cram rejects both communism and fascism. There is no promise of facilitating the pursuit of happiness in either of them. What the author proposes, therefore, is a radical revamping of the existing American scheme of government. Direct popular participation in the electoral process should be replaced by a scheme of official electors chosen on an occupational basis, somewhat after the fashion of the Italian syndicates. "When universal suffrage came in, democracy went out as a practicable proposition" (p. 144). As for governmental organization, Mr. Cram believes that the severance of the executive from the legislative function is no longer feasible and should be given up. The chief executive should be chosen for life; he should have a prime minister and power to order a dissolution as in England. The Senate should be entirely overhauled in both its composition and powers. The authority of the Supreme Court should

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be restricted by providing, in certain cases, an appeal "to the people through their state governments."

Although he is an architect by profession (and a very eminent one), the author makes it clear that his sketch program is not intended to serve as a blue print, but only as the preliminary specifications for a new structure to replace the old. Some of his proposals will impress students of government as rather naïvely fantastic, yet the book is abundantly worth reading because of the forthright way in which its ideas are set forth. And the excellence of the style in which it is written deserves a special word of commendation.

WILLIAM B. MUNRO.

California Institute of Technology.

The War Against the West. By AUREL KOLNAI. With a Preface by Wickham Steed. (New York: The Viking Press. 1938. Pp. 711. $4.00.)

In the August issue of this REVIEW, the writer drew attention to a book by H. Mankiewicz, who under the auspices of the Institut de Droit Comparé of the University of Lyons made a conspicuous effort to systematize the main tenets of the German National Socialist creed. The book under present analysis tries to accomplish the same task, although the author does not even know Mankiewicz' work. Whereas Mankiewicz refrained from all criticism, even from a critical coördination of the various elements, Kolnai indeed states the doctrine with utmost clarity; yet he also gives a thoroughgoing philosophic and sociological criticism of the whole. Like Mankiewicz, he also uses an astonishing amount of material, but often from different sources. Although Kolnai's book is less "impartial" and "objective," he has been far more successful in treating the whole not as dissected members of a dead body but as a living creed of enormous dynamic force. And though he is acutely critical, often caustic and sarcastic, towards the new German state-philosophy, he is always honest in his presentation of its main teachings; he even emphasizes some partial truths which it contains.

The chief importance of this extremely keen and eloquent work lies in the demonstration that it is completely erroneous to regard the Nazi ideology as an accidental excrescence of some demagogues and propagandists—that it can be understood only as the continuation of many fundamental tendencies in German thought. Immediately after the World War, the great historian Ernst Troeltsch clearly stated the basic distinction between Western and German thought as being between "those who believe in an eternal and divine Law of Nature, the Equality of Man, and a sense of Unity pervading mankind" and "those who take the opposite view—who see in history an ever-moving stream which

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throws up unique individualities as it moves, and is always shaping individual structures on the basis of a law which is always new." This underlying difference, which runs like a red thread through German thought, reached in Naziism its most emotional, exaggerated, and demoniac expression.

From the point of view of humanitarian democracy and internationalism, which in his thought is identical with Christian humanitarianism, Kolnai analyzes with the utmost care all the bulwarks, and even the smaller turrets, of the Nazi ideological castle. It is an amazing edifice of "supreme individuality and importance." In nine thoroughly documented chapters, the author shows the central meaning of National Socialist ideas and the theoretical patterns which unite in the German claim for an uncontested racial and political leadership of all human civilization.

In his last chapter, Kolnai shows the practical consequences of this doctrine. He is convinced that it constitutes a great danger to Western civilization. It is one of the most fertile admonitions of this challenging volume that Western politicians are quite blind when they believe in their narrow utilitarianism that by satisfying the economic claims of the dictators they will be able to check their totalitarian philosophies. The real danger of the future war lies, not in particular economic antagonisms, but in the crusade of the Nazi "religion" against the central values of Western civilization. Therefore, if Western democracies should prove unable to plan a sensible and effective resistance against the totalitarian philosophy, they are doomed to collapse.

In all his analyses the author indicates the same philosophic breadth and critical acumen that he has displayed previously in his political essays, especially in his acute criticism of Carl Schmitt's *Der Begriff des Politischen*. It is therefore regrettable that sometimes he descends to unnecessary, flippant jibes. And as he is anxious to show those elements of thought in older philosophies which have undermined our liberal humanitarian values, it would also have been fair to show the part that Marxism, Pragmatism, and the popularization of Darwinism have unintentionally contributed to the elaboration of the Nazi attitude. He gives a too hasty and unqualified invitation to the Bolsheviks to participate in the common defense of humanitarian values. Though the author occasionally stresses the differences between Naziism and Fascism, in a book of such thoroughness we should have liked to see their more careful elaboration. In spite of these minor objections, this reviewer does not hesitate to say that a study of Kolnai's book is indispensable for all who try to understand the momentous events now happening in Germany and the world.

Oscar Jászi.

Oberlin College.

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Social and Cultural Dynamics. By PITIRIM A. SOROKIN. 3 Volumes. (New York: American Book Company. 1937. Pp. 745, 727, 636. $15.00.)

In these massive volumes, with a fourth yet to come, Professor Sorokin has attempted a tremendous undertaking—a scientific analysis of the fluctuations in the main elements of human civilization, with the aim of discovering underlying principles which may form a basis for forecasting the future. The work differs from others, such as Hegel's philosophy of history, in its more inductive method of approach, in place of a thesis to be applied.

Some of the facts of his life and previous works may indicate the author's qualifications for such an undertaking. A Russian, educated at the Psycho-Neurological Institute and the University of St. Petersburg, and professor of sociology at the latter institution, he occupied several posts in the early stages of the Revolution of 1917, was a member of the Constituent Assembly of 1918, and published important works on criminology, sociology, the theory of law, and social politics. Condemned to death by the Communist government, and later banished, he came to the United States in 1923, where he has been professor of sociology at the University of Minnesota and Harvard University, and has published half a dozen additional books on sociology and revolution. The influence of these life experiences may also help to explain some of the results of the investigation.

The first volume begins with a general introduction on types of culture mentality and the forms and problems of culture integration. The author finds two main basic and alternating types, "ideational" and "sensate," each with an active and passive stage, and intermediate or mixed types—pseudo-ideational, cynical-sensate and "idealistic." The passive ideational is concerned primarily with the absolute and eternal, is individualistic, introvert, intuitive, mystic, spiritual, static, and subjective. In the active ideational type, the same characteristics prevail in a moderated degree. The active sensate is collectivistic, dynamic, empirical, extrovert, materialistic, objective, scientific, and utilitarian. The "idealistic" type is a rational balance of the elements of the two basic types; while other mixed types show a non-integrated combination of conflicting characteristics.

Following the introduction is a detailed analysis of changes or fluctuations of forms of art (including literature), systems of truth, ethics and law, and social relationships, with reference to the main types of culture. This is based mainly on a study of the Graeco-Roman and Western civilizations, for which materials are more abundant; but with some attention to Asiatic and North African civilizations. In these fluctuations, Professor Sorokin finds no consistent trend in one direction, nor in closed cycles, as in Spengler's *Decline of the West.* He finds, however, a suc-

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cession of general trends in all fields, from early ideational, through idealistic, to sensate types, but with minor oscillations and irregular waves and other variations. During the last five centuries, the civilized world has been in a stage of sensate culture, now on the decline, and now is moving towards another radical change. The contemporary crisis is infinitely deeper than is generally understood. It is the crisis of our whole over-sensate culture and society. Western society and culture seem to have entered the stage of transition from an over-ripe sensate to a coming ideational form.

This analysis includes an enormous body of statistical tables, charts, and other data, much more comprehensive than in any previous work, compiled and scrutinized, with the aid of a staff of collaborators, by the procedure of inductive, *sensate*, scientific research. The evidence of fluctuations in cultural trends is more fully demonstrated and illustrated than heretofore. The interrelations and integration of different forms of culture at the same period and place are more strongly emphasized than by others. But the simplification of the main general trends, and the generalization of a regular order of succession, is open to question. This is to some extent recognized by the tentative character of the main conclusions, and the frequent reference to the absence of any continuous trend in one direction. Even accepting his major trends, logically a more balanced intermediate stage seems to be suggested between the sensate and ideational as well as between the ideational and the sensate. Moreover, the evidence that some lessons of experience are carried over from one era to another is ignored. Some attention to these factors may be given in the forthcoming fourth volume, which is to present a systematic theory of social and cultural processes, with an analysis of the methodological problems.

Students of government will be interested mainly in the chapter on fluctuations in criminal law, and in Volume III on social relationships, which deals with forms of government, liberty, government control and regulation, economic conditions, war, and internal disturbances. The discussion of economic conditions and governmental forms is relatively brief, and will not seem adequate to specialists in these fields.

JOHN A. FAIRLIE.

University of Illinois.

The Origin of the Inequality of the Social Classes. By GUNNAR LANDTMAN. (Chicago: University of Chicago Press. 1938. Pp. xv, 444.)

"Are economic factors to blame for the forging of class distinctions? This book says *No.*" Thus begins the paragraph on the jacket of the book. Has at long last a refutation of the economic interpretation of class

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distinctions been written? This reviewer says *No.* (The editorial summaries on the jacket of the book, by the way, are so misleading and so unworthy of the book that booksellers, unless they wish to sell the book under false pretenses, should remove the jacket.) Rightly or wrongly, there is nothing in the book that is fundamentally inconsistent with the Marxian hypothesis "that the *existence of classes* is only bound up with *particular, historic phases in the development of production.*" All that the factual data assembled in the volume show is that personal qualities and the distinction that comes with age do have a bearing on the standing of an individual in the community. But the transmission of such distinction to descendants plays only a minor, if any, rôle in the social stratification. "Wealth is in point of fact a more important factor, with regard to the rise of classes, than merely personal qualities, for the reason that it preserves in a higher degree than these to coming generations the position attained by a preceding one" (p. 75). "In the main, nobility has arisen either through extra-tribal amalgamation [subjugation by conquest] or through an intra-tribal process of differentiation [ascendancy by virtue of such personal qualities as prowess]."

But the visible separation of the superior elements of a people into a class of their own seems everywhere to proceed along the same lines. The nobility has in all countries marked its supremacy through "the gradual acquisition of a number of material and social advantages which confer upon them a distinctive character and contribute to the formation of a privileged order." "One benefit which almost universally accrues to people obtaining influence and power, and which in itself is a source of social promotion, is the possession of wealth" (pp. 287–288). It should be noted in this connection that, as Veblen has pointed out, social stratification in the sense of the ascendancy of a leisure class does not occur in a community until it, because of certain exigencies, adopts a "predatory habit of life (war or the hunting of big game or both)," and that specialization in these predatory occupations and the adoption of predatory habits by the community become possible when subsistence is "obtainable on sufficiently easy terms to admit of the exemption of a considerable portion of the community from steady application to a routine of labor." Needless to say, it is the "particular, historic phase in the development of production" that makes this division of labor possible. Professor Landtman shows the effect that the personal distinction gained in hunting and in war and the effect of military conquest has on the formation of an incipient social stratification which manifests itself in the elevation of certain individuals to higher ranks. But he shows also that it is the concomitant acquisition and consequent possession of wealth—a factor more inheritable than all the others—that solidifies the stratification and makes it relatively permanent.

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Thus we see that, if one disregards certain half-baked notions of amateur economic determinists, there is nothing in the book that contradicts the classic economic interpretation of the rise of classes (as distinguished from the advancement of individuals). It supplements and substantiates it.

The book, disappointing though its total effect may be to the general reader, has decided merits. It is likely to become the standard reference work on the subject for sociologists and anthropologists. For Professor Landtman has "a feeling for facts" that would have met even the approval of the exacting Veblen. The amount of factual data assembled by the author first-hand and from thousands of references, and their assimilation in the well-ordered scheme of the book, are a monument to the author's erudition, perseverance, and assiduity. But the book, aside from the thesis implicit in its plan, falls short of one's expectations in the matter of synthesis. To say the least, the author is parsimonious in allotting space to generalization. This is to be deplored, in view of the fact that the data in the book merit interpretation with reference to the extant theories relating to social stratification. Whether or not the author felt incompetent to undertake such, the reviewer is in no position to say. It is interesting to note in this connection, however, that Veblen's *Theory of the Leisure Class* is not mentioned among the numerous references cited.

HENRY JANZEN.

Hamilton College.

Verfassung. By ERNST RUDOLF HUBER. (Hamburg: Hanseatische Verlagsanstalt. 1937. Pp. 338. Paper-bound RM 6.50, cloth-bound RM 7.50.)

The "organic and total oneness of life" of the political nation has replaced the bourgeois society with its multitude of antagonistic interests. Hence, that society's constitution, built upon the principles of democracy, parliamentarianism, separation of powers, and individual rights, has been superseded by the constitution of the national state based on national unity, totality, and leadership. Although never formally renounced, and although some of its provisions were expressly or tacitly taken over by the national state, the constitution of Weimar is dead; in fact, it died at the very moment of Hitler's appointment to the chancellorship (p. 49).

The constitution of the new Reich consists neither in a written document or single basic statute nor in fixed organizations and institutions; rather, its "nucleus is the unwritten living order in which the German people finds its oneness and wholeness" (p. 50). The Potsdam ceremony of March 21, 1933, and the Enabling Act of March 24, 1933, are landmarks of the new constitution of the Reich, which the author does not insist on calling an improved form of "democracy" (p. 103).

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"The people (*das Volk*) is the determining and creating force of political events" (p. 64). But, as it is incapable of acting politically, "all political life within the *Volk* is determined by the uniform and comprehensive will of the leader" (p. 63). *Volk* is an objective category not identical with its contemporary membership. The (objective) will of the *Volk*, therefore, must be distinguished from the (subjective) opinions, aspirations, and desires of those living at any one time (p. 91). "The true will of the *Volk* hence cannot be found through parliamentary elections and votes, but is brought forth in a pure and unadulterated form only by the leader. We must distinguish, therefore, between the presumed people's will of the parliamentary democracy which merely reflects the antagonism of social interests, and the true *Volk*'s will of the leader's Reich which expresses the collective will of a genuine political entity" (p. 90). The leader's will, "asserting the historical mission of the whole nation as against all individual interests" (p. 92), is not one individual's will but the collective will of a community, and as such it is "not a fiction like the presumed *volonté générale* of a democracy" but "an objective historical quantity," "a political reality" (p. 92) derived by the leader from the "talents, energies, and tasks bestowed upon the *Volk*" (p. 92).

The *Volk* may be called upon to vote on a certain question, not, however, in order to take the decision out of the leader's hands, but "publicly to manifest the complete agreement between leader and *Volk*" (p. 96). For that reason, completed actions are better suited for a referendum than intended measures, the specific wording of the statute of July 14, 1933, to the contrary notwithstanding.

Likewise, the Reichstag is no longer a legislative and controlling organ, but "a public forum for dealing with great questions of program and making comprehensive reports on the political situation" (p. 102). The radio would seem to be not quite so expensive.

All laws derive their validity solely from the leader, although technically the Reichstag, the Reich Government, and the entire *Volk* possess legislative power. However, their positive vote merely serves to "enhance the prestige of a law" (p. 124), while a negative verdict can have no consequence on the will of the leader; for "it is he who represents the objective mission of the *Volk*" (p. 97), and the subjective *Volk* is simply in error against its objective self. "Where the leader has spoken, the content of national law is fixed with unconditional obligation" (p. 128), and no appeal to a higher judicial body or to any principles of justice is admissible or possible.

The author fails to show precisely how the leader is able to develop the objective *Volk*'s will from its talents, energies, and tasks except through his own volition. He assures us, however, that "the national Reich is neither absolutism nor dictatorship" (p. 104).

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These are the basic ideas of Professor Huber's book; and, due to the author's high standing as a member of the *Akademie für Deutsches Recht* and co-editor of an outstanding German public law journal, they may be taken as expressions of the official constitutional theories of present-day Germany. As such, we have to take note of them, regardless of whether we can accept them or whether some of the concepts may appear to us as mere rationalizations and justifications of the *status quo*.

GERHARD KREBS.

University of California.

Die rechtsphilosophische Schule der reinen Rechtslehre. By WILLIAM EBENSTEIN. No. I of *Rechts- und Staatswissenschaftliche Studien*, edited by Fr. Weyr and H. Kelsen. (Prague: Taussig und Taussig. 1938. Pp. 180. $1.50)

In an old nursery play, one of the children pretends to be a merchant from Paris displaying fine needlework for sale and asking many questions, in reply to which the "customers" must beware of using the words black and white and yes and no—whoever uses one of them is "out." Similarly hard are the conditions on which the School of Pure Law engages us in legal discussions, urging that we keep strictly in the field of law as they define it—whoever uses a term belonging to another sphere, in particular he who slips into saying black and white or yes and no, *i.e.*, he who utters any approval or disapproval of the content, is out. Law, we are told, starts with the unwritten basic norm that something is to be the constitution, and over that constitution leads down from delegation to delegation. The validity of the basic norm is the given hypothesis to the theory of law and unquestionable within that theory. Thus the adherents of the school are positivists and purists, deeply antagonistic to any residue of ideas of natural law. Treating all *possible* law on an equal footing, without any discrimination, they are super-relativists as well. They outdo ordinary relativists, because not only do they think it impossible to find a scientific measure for right and justice, as every relativist does; they would refuse to consider the justice of the law even if such a yardstick could be found—this whole question being, they say, beyond the theory of law.

The strict confinement to this one room in the large house of theory is somewhat arbitrary, but those who choose to confine themselves this way cannot be blamed for it if they do valuable work in their seclusion. Only they should beware of forgetting that the restriction to one compartment *is* a restriction. Matters become particularly irritating when expressions that are in a far broader use, such as "person" and "state," are being purified and given the meaning which alone they are allowed to

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have in that closed room where we are not permitted to say black and white or yes and no. Also Hans Kelsen, great thinker that he is, is done bad service if he is spoken of as the Kant of legal theory (as Dr. Ebenstein reports, apparently with approval, p. 12), which misnomer, after all, can refer only to half of Kant, the Kant of pure reason, not of practical reason, and would better be avoided, since the hypothesis of a basic norm in normative law is not on the same level of importance and ingenuity with the hypothesis of time, space, and causality in natural science.

With these reservations, it is very timely to have a comprehensive presentation and competent analysis of the theory of pure law in all of its ramifications, offered by an avowed adherent who believes in its "universal validity" (p. 12) and bases his essay on the works not only of Hans Kelsen, pretty familiar to American scholars, but of other members of the group, such as Franz Weyr, Adolf Merkl, Alfred Verdross, Felix Kaufmann (now of the Graduate Faculty of the New School for Social Research in New York, whose 1936 book on methodology might have commanded more attention), and Fritz Schreier. Dr. Ebenstein, formerly in Vienna, and now at the University of Wisconsin, is a very able interpreter. His acquaintance with Anglo-American law enables him to keep in mind the differences in ideologies and techniques and to add comparative remarks useful to scholars on either side of the Atlantic. Of particular value is the first chapter on the philosophical foundations. In the forthcoming English version, it would be advisable to transform the many scattered remarks on Kant and the New-Kantians into a separate introductory section. Another chapter of great merit is the last one on the theory of *Stufenbau* of law, exposing the step-wise delegation of normative power, and particularly dedicated to the work of Adolf Merkl. Here again the current comparison with the American literature, especially of the realists, is most interesting and illuminating.

Other chapters discuss law and nature, natural law and positivism, and the unity of law. "Natural law," says Ebenstein (p. 76), "in legal literature assumes a rank comparable to the problem of hereditary sin in theological literature." This surely holds true for purists. Not having admitted nature to the room which they are searching, they are jubilant that they do not find it there. But this is not likely to be the last word on nature and law. Respect for truth and for the necessities of nature are universal postulates of the idea of justice. Therewith reason and nature will always re-enter the stage, however vigorously they may have been expelled, be it by force or by ascetic seclusion. Even the mystical basic norm of pure law tastes much of natural law, although in new-Hobbesian rigidity. What if this basic norm should admit, or be interpreted as admitting, some basic principles of natural law to be applied by the courts even against legislation, and so make them legitimate for positivists?

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Such a basic norm must be regarded as *possible* law too. Could not in this way some new Locke arise from the ranks of the purists?

Dr. Ebenstein's name must henceforth be listed among the ablest representatives of pure law. A bibliography of the purists should be added in the English edition, and the forms of expression should be simplified and shortened; but English grammar will take care of the latter.

ARNOLD BRECHT.

New School for Social Research.

English Political Thought, 1603–1660. Volume I: 1603–1644. BY J. W. ALLEN. (London: Methuen and Company. 1938. Pp. x, 525. 21s.)

In this volume, Prefessor Allen carries on his history of political thought from 1600, where his former well-known volume ended, to 1644; but, unlike his earlier book, this one is confined to English thought alone. Even this more restricted field is vast. For the period before 1640, the theory is all-important but the systematic theorists are few. In the four years from 1640 to 1644, there are probably more important names than in the whole preceding forty. When a James Cowell, or a Thomas Fitzherbert, or a Robert Burton has an entire section allotted to him, we have an indication of the contemporary lack of interest in the abstract theory of politics. The theory of the state in this period must be gathered from the political implications of the law.

The treatment of these years before 1640 is not very systematic in the present volume, and one sometimes has the impression that Professor Allen writes about the things that interest him, after ignoring the others. He has, for example, little or nothing to say of the significance of the rift between Jesuits and Seculars which determined to so large a degree James I's whole policy toward the Catholics; while he devotes considerable space to Prynne's *Histriomastix*, which may have cost its author his ears, but only slightly concerns political thought.

In what Professor Allen does treat, however, there is invariably food for thought. He is always highly suggestive, even if suggestive of doubt sometimes rather than assent. For example, in speaking of James I, he says: "What the King was claiming was not power to make law, but a right to break it." This is true, but too terse to be true without qualification. What Coke and Hakewill objected to in their attacks on royal proclamations was certainly an attempt to "make law." "Truth," as Professor Allen says in one place, "is always far too complex to be stated in epigram"; yet this book is at times rather epigrammatic.

One wishes Professor Allen had developed further one important fact which he has recognized more clearly than most historians—that "the main question at issue was the question as to where lay the right to determine public policy." This was the new issue of politics under the Stuarts.

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Even the extremest of royalists admitted that the prerogative was bounded by law, but to him this law had always been a mere definition of the subjects' rights, the *jus privatum;* it had never touched the *jus publicum,* the king's discretionary power to determine policy. It is his keen appreciation of this important difference that determines Professor Allen's judicial estimate of the respective merits of the royal and parliamentary contentions. It is the fairness with which he weighs the claims of the old prerogative against the necessity for change that makes this part of his book so valuable and so instructive. The king stood for the old contention, effectively put by Baron Fleming in Bate's Case; and, as the author says, Fleming was contending for no more than the Tudor constitution. The parliamentarians, on the other hand, felt instinctively, even if they did not declare explicitly, that the Tudor constitution must be changed if liberty was to survive. The treatment of this issue in the volume is admirably fair, though there are hints that the author's sympathies lie with the royalists. He freely admits, however, that under Charles I the monarchy was in some ways more worthy of respect than the monarch, and that Tudor monarchy itself could not possibly endure much longer.

In much of this book, Professor Allen is in pursuit of a definition of puritanism and never succeeds in overtaking it. At one time, he seems to identify puritanism with the Calvinists' predilection for Hell rather than Heaven, at another, with a bibliolatry which rejects everything in the Church for which positive scriptural evidence cannot be vouched; but he never entirely succeeds in extricating the essential from the incidental, or in telling us what a puritan really was *par excellence.* But who has ever told us; and who ever could? "Puritan" was a term applied by enemies to people they disliked, and the things disliked varied greatly with the men and the times. "Puritan and precisian" were generally linked together; but the offensive scrupulosity might concern vestments, or forms of worship, or ecclesiastical polity, or—less often—doctrine, or varying combinations of these. It seems impossible to assign any very definite meaning to a term of reproach with a content so variable. If Professor Allen fails to do so, it is no fault of his; but he does seem to share a little of the opponents' dislike: "Puritanism was, I think, very far from representing the highest morality of the age."

The treatment of ecclesiastical and religious questions in general (including erastianism and toleration), which constitutes probably two-thirds of the volume, is one of its most valuable features. Professor Allen has few heroes, but if he has one, it is John Hales, "the ever memorable."

This book can hardly be called a compendious account of English political thought between 1600 and 1644, but it is an exceedingly thoughtful and stimulating discussion of some of its chief problems which no

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careful student of the subject or the period can afford to leave unread. The scope and arrangement of the volume may be gathered from its main divisions: "The Constitutional Conflict to 1629," "Church and State," 'Approaches to Toleration," "Puritanism," "The Attack on the Laudian Church," "The Collapse of Government," and "The Controversy [constitutional], 1642–1644."

CHARLES H. MCILWAIN.

Harvard University.

The Politics of Philo Judæus; Practice and Theory. BY ERWIN R. GOODENOUGH. (New Haven: Yale University Press. 1938. Pp. xii, 348. $3.75.)

A study of the political theory and practice of any thinker by an outstanding scholar who has devoted a major part of his life to the man and his times is necessarily of considerable importance. The work under review is unusually so, for quite special reasons.

The first of these is perhaps adventitious: Philo was a leading Jew of Alexandria who lived through the persecutions of Gaius Caligula, and was a member of a legation which managed to gain concessions from that mad emperor. In an age when the Jews are once more suffering persecution, a study of the bases of intolerance and of the techniques for minimizing its consequences in a different period and under other conditions is at least interesting. Professor Goodenough draws no parallels and makes no contrasts. Yet a comparison of royal claims to divinity and religious-patriotic resistance thereto, with the theory of leadership and race and the external criticism thereof on the basis of liberalism and a sense of common interest by international Jewry, necessarily suggests itself, and promotes reflections on the relative intensity of tyrannies resting on various theoretical assumptions.

Secondly, however, the study is interesting as a revelation of the mystic as practical man. Philo is generally considered as an extreme religious mystic. Professor Goodenough shows convincingly that, by reason of family connections, social position, religion, and philosophical outlook, he was driven to take part in, and to comment purposively on, the political affairs of his day, and that he performed this task with supreme skill. Philo himself was deeply concerned with the problem of the duty of the philosophic man in the practical arena. On the one hand, he had great sympathy for the philosopher in retreat and considerable inclination toward that way of life. On the other, he despised the merely practical politician, the opportunist, and felt that such men in authority meant the ruin of human society, whose well-being was necessary, though not the final end. He solved the problem by an insistence on the duty of the philosopher to apply his knowledge in the realm of mundane affairs much after the manner of Plato's Guardians. Yet he realized the tempta-

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tions involved in such a course and regretted its necessity. Indeed, few thinkers have felt so strongly the tension common to most intellectuals between activism and passivity.

Thirdly, Philo's life and work are significant as a study of propaganda techniques. He was in a difficult position. He wanted to convince the Jews themselves of the inherent wrongness of the Roman power and to prevent them from being tempted to support thereof against their own people. He wanted at the same time to criticize the Romans without giving them offense that might lead to further persecution. He wanted, if possible, to persuade them that just government with consideration for local customs was a sound proposition and coincided with their own ideals and best practice. He wanted, further, to insist on Jewish loyalty to the régime, while emphasizing (both to the Romans and to the Jews) that there were genuine limits to that loyalty. He wanted, further, to urge the latter to submission wherever possible, without urging them also to abandon their essential ways, realizing as he did that under the given conditions quietism was their necessary tactic. Finally, he wished to get the support of the local prefect for his own people and to persuade the imperial government to protect the Jews against the inimical non-Jewish population in Alexandria. How he accomplished these various ends by subtle writing, by allegory, by indirection, and, indeed, by all techniques of a philosophical propagandist, constitutes a first-rate study in diplomacy and in the making of public opinion.

His political philosophy proper is important mainly as a bridge between classical and medieval ideas, though it is no less significant for a combination of realism and principle that suggests the work of Montesquieu. Philo clearly is largely responsible for the earlier development of the doctrine of higher law and for the theory of kingship that makes the king a legitimate and absolute authority, yet imposes on him the duty of ruling with wisdom and in terms of principle. He develops that doctrine of the state which makes of it a necessary organization, at once the product of evil and the means to good, a manifestation of the reality behind appearances, yet at the same time a phenomenon in the world of appearance. Combined with these philosophical concepts are such ideas as the ultimate dependence of the ruler on the ruled, a doctrine of natural leadership, and the theory of the need to adapt institutions to conditions, as well as an attack on governmental corruption and a condemnation of power politics.

Granted such a variety of significant ideas, one must deeply regret that Professor Goodenough has confined his analysis within some 120 pages, for the rest of the book is taken up with a very thorough and finely made biography of Philo, a work of exquisite scholarship, but not primarily concerned with Philo's politics. Dr. Goodenough, limited to so

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small a space, has found it necessary to refer to other articles of his own not readily available to the political scientist and to stuff his work with allusions and footnotes which will generally have more meaning for the expert in the period than for the general student of political ideas. This is peculiarly unfortunate. For one of the great problems of the political philosopher has been the development from classical to medieval theory, together with the lesser question of the changes in political theory from Plato to Stoicism. The contribution to that development of Alexandria, of the Jews, and of Philo, in particular, has generally been ignored, as reference to such a work as Professor McIlwain's *Growth of Political Thought in the West* will readily reveal. Yet Professor Goodenough makes it clear that Philo, and the development of ideas which he represents and most effectively states, is the missing link. A full-length study of the sources, contents, and influences of Philo's political theory would, therefore, be of first-rate value to the student of the history of political ideas. Indeed, the work under review has packed within it all the essential material for a book that would do for the transition from the ancient world to the medieval, and through that to the Reformation, what Gierke's *Johannes Althusius* did for the connection between the Reformation and the modern world. While praising therefore alike the scholarship and the fine piece of book production here offered us, we may, using one of his own titles, humbly ask Professor Goodenough to come over into Ethiopia and help us: By Light, Light.

THOMAS I. COOK.

University of California at Los Angeles.

James Madison: Philosopher of the Constitution. BY EDWARD MCNALL BURNS. (New Brunswick: Rutgers University Press. 1938. Pp. x, 212. $2.50.)

Madison presents a more difficult problem to the student of political and constitutional thought than does any other major American theorist. Unlike those of Paine, or even of Hamilton and Calhoun, his writings on politics are not susceptible of relatively brief and simple summary. True, they have been so summed up in more than one text-book or patriotic oration, almost invariably with the result of making them appear dull and platitudinous. His writings are not so long as those of John Adams, or so numerous as those of Jefferson, but they are even more difficult of interpretation. Perhaps the greatest obstacle to a really satisfactory analysis of Madison's ideas is the disparity between the quality of his speeches and essays of the years 1787–88 and his writings of the next four decades. The former belong to the enduring literature on politics, the latter to the history of American political parties. His achievement after 1788 was not insignificant, and, in several respects, this later contribution has been of

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considerable importance in the development of American constitutionalism. He discovered, for example, that the most effective way to carry on an opposition in this country is by invoking the letter and/or spirit of the Constitution. He was, that is to say, the first major exponent of strict construction, and he applied it as against the banking and assumption bills before Jefferson expressed that doctrine in classic form in his famous Report. After that time, Jefferson took the lead, and during the remainder of his life Madison was scarcely more than a poor second, whether in political philosophy or in politics. Indeed, after about 1791, Madison's political and constitutional theory is of less significance than that of John Taylor, although three or four of Madison's *Federalist* essays are of greater philosophical and constitutional significance than all of Taylor's books together.

In spite of the difficulties of his subject, Mr. Burns has written one of the most satisfactory studies of an American political thinker that we have. His book would have profited from a closer study of Madison's contemporaries, and his biographical introduction should be supplemented with A. E. Smith's recent biography of Madison. It is, however, a very careful and comprehensive survey of Madison's political and constitutional thought. It seems to the reviewer that its principal shortcoming is a result of the attempt, common among academic writers, to include mention of virtually everything that its subject ever wrote or said on politics. Mr. Burns is too intelligent a student of political and constitutional thought to give to every utterance of Madison the same value, but in his zeal for thoroughness he attempts to bring the whole of Madison's writings into a systematic compass which is not entirely suitable to them. His analysis would have profited from a more searching critique of Madison's thought in his great period, and a relative subordination of the later writings. Had that been done, the author would have made an even more useful contribution to the interpretation of the history of American polity.

BENJAMIN F. WRIGHT, JR.

Harvard University.

American Regionalism. BY HOWARD W. ODUM AND HARRY ESTILL MOORE. (New York: Henry Holt and Company. 1938. Pp. x, 693. $3.80.)

The Attack on Leviathan. BY DONALD DAVIDSON. (Chapel Hill: University of North Carolina Press. 1938. Pp. x, 368. $3.00.)

These books are valuable and complementary additions to the growing library of regionalism. Both come from the South, and from centers and individuals outstanding in contributions to the study and advocacy of

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regionalism. Homage is paid in both to the teachings of F. J. Turner concerning the subject. They are complementary in that *American Regionalism* emphasizes methods, procedures, and definitions, and presents the first comprehensive introduction to the subject, while *The Attack on Leviathan* is the militant expounding of a political theory.

Behind the assumptions of Odum and Moore there are important theories also; but their immediate aim is to provide a "working compendium." Hence "the work-shop nature of the book." Naturally, in style it has not the terse and pungent qualities of Davidson, and some phrases and passages need to be sharpened and clarified, but the stuff is there. The authors have gathered together for the ease of students the most relevant material on every phase of the subject—drawn not only from the better-known writers such as Mumford, but from out-of-the-way sources —regional college football leagues, business house regions, and many other forms of regionalism.

The book is, indeed, so rich in materials and offers so many suggestions and provocations that review space must be occupied with indicating the general scheme, which in itself will make it clear that the volume is indispensable to students of American politics. Part I includes two introductory chapters in which the authors define their terms and urge their major interpretations and positions. These may profitably be compared with Chapters 3, 5, and 14 of Davidson's book in order to share in the debate over the relative meaning of "regionalism" as contrasted with "sectionalism." Perhaps it would not be unfair, if a little mordant, to say that regionalism is what Odum and Moore would like sectionalism to become, while Davidson's sectionalism is what regionalism tends to be. The point is that the first emphasize regionalism as the policy of adjusting the clustering of interests on an organic and comprehensive scale related to area to all-over national interests; the latter, in positing the basic value of a rooted tradition in society and finding it present only in regions, sees sectionalism as the political expression of the region, and the rôle of the national state as preserving the integrity of its constituent regions.

In the nine chapters that follow, regions are identified by different indices, such as soil, topography and climate, river valleys, metropolitan, literary and aesthetic, governmental, and non-governmental. The concluding two chapters describe the tools available for giving governmental expression to these various types.

Part II contains six chapters in which the use of the concept of regions by social scientists is described. Part III contains the authors' own division of the United States into "major composite societal regions . . . embodying the fewest contradictions, the greatest flexibility, and the largest degree of homogeneity for all purposes of study and planning" . . . or for "research and portraiture" (pp. 13, 433). Their regions are coterminous

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with groups of states. The difficulties and inadequacies of any scheme are faced frankly and with intelligent comment. The regions selected are the Northeast, the Southeast, the Northwest and the Southwest, the Middle States, and the Far West. Within these, the authors indicate "flexible sub-regions" after the fashion discussed in the earlier book on Southern Regions. A chapter is given to each region, and a concluding chapter urges again the note of regions as constituent elements in national reintegration and a "redefining of Americanism" that would avoid overcentralization. There is a useful bibliography, to which might be added those excellent regional studies, *Sky Determines* by Ross Calvin and *The Evolution of Long Island* by Ralph Gabriel, and Kollmorgan's article attacking the validity of political regions in this REVIEW.

Students of regionalism have always watched for Donald Davidson's articles. They will welcome their republication in the present well-printed volume, whose title indicates its central theme. Regionalism is here associated with the author's advocacy of other social theories advanced by the group who call themselves "Agrarian." It is hardly the Agrarianism of the term as employed by the Turner school, or of the owner-occupier farmer of greater New England and the Middle West. Indeed, Mr. Davidson's fellow-advocates may well follow his advice—and Mr. Odum's—and study their own region more carefully before prescribing. It is significant that his own aggressiveness is moderated as he widens his inquiries and his acquaintance to include regions other than his own. ("The statement of issues which had a special meaning for the South also had some general meaning within the nation," p. 94.) One may refer the reader to the presidential address of Professor Prescott to the Southern Political Science Association in 1937 (*Proceedings, 1937*) for an evaluation of the ideas of the Agrarians and a tribute to the contribution they are making. None of that group has written more penetratingly on the cultural significance of regionalism than has Mr. Davidson.

Davidson's Calhoun-type of ideal for our constitutional system does not ignore the fact of national financial, industrial, and marketing controls. He would break these, not by national regulation, but by regional autonomy. It may be argued, however, that it is through the application of national governmental resources that regional disabilities—as, for example, in the Great Plains or the South—can be removed. But this will come only with greater self-knowledge by the region of its condition, and its conscious effort to secure allies in other regions to obtain relief. Chapter 12 on "Regionalism and Education" is an excellent statement of one method whereby this regional self-consciousness may be fostered. This chapter should be studied by teachers and curriculum-makers.

Some of the more difficult issues centering in definitions and appraisals of regionalism are debated, in these books, by Odum and Moore and

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Davidson directly with one another in friendly fashion and with tributes to each other's contribution. A good many issues remain only partly clarified, although enough has been done to enable workers to make intensive studies of limited scope to test definitions and push forward the extent of agreed principles. The whole subject is still too much in a vague and fuzzy lack-of-shape. We need now a good many studies of specific "regions" like that by Dr. Calvin, or the earlier work on Southern Regions. If some views that are advanced by Odum and Moore as essential to regionalism are rejected or modified after testing by these studies, the two authors will undoubtedly be among the first to welcome the new contributions, which indeed will have been made possible partly through their pioneering.

JOHN M. GAUS.

University of Wisconsin.

The Rise of a New Federalism: Federal-State Coöperation in the United States. BY JANE PERRY CLARK. (New York: Columbia University Press. 1938. Pp. xviii, 347. $3.50.)

The relations of the central government in a federal system to the political subdivisions is a perennial question in this and all federal states. From time to time, it emerges in new forms and raises new problems. At present, in the United States, these problems are of such special interest and significance that all students of American government will be deeply indebted to the author of this excellent analysis of recent developments. The book neither defends nor attacks either "states' rights" or "centralization"—it maintains, as any scholarly work in this field should, a fine impartiality with regard to questions highly surcharged with emotion in the minds of many laymen and—if the truth be told—of some other people as well.

The material is presented in ten chapters: an introduction, eight main chapters, and a conclusion, followed by a selected bibliography (twenty pages, arranged by chapters), and an index. The book is attractively printed and bound. The chapters deal with methods of informal cooperation; informal understandings, agreements, and interstate compacts; coöperative use of government personnel; interdependent law and administration; and federal credits for state taxation. Three chapters on the federal grant-in-aid system deal with the nature and methods of allocation of funds, federal requirements and supervision of states in the administration of such grants, and state relations with regard to acceptance and withdrawal.

The author brings into clear relief many of the perplexities and uncertainties of government by coöperation which have long been recognized in a vague and general way—the apportioning of costs and expenses, as in

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the employment service (pp. 56–58); the confusion in responsibility, as in the relations between the Interstate Commerce Commission and the state regulatory commissions (pp. 60–61); the possibility of "coercion" of the smaller units by the larger, as in the case of the grant-in-aid system; and the possibility of double penalties, as in the case of legislation governing the transportation of intoxicating liquors and prison-made goods (p. 134)—to mention only a few. While the detrimental effect of these factors can be and is being minimized by the development of improved methods of administration, the fact remains that difficulties are inherent in the operation of the federal plan. They are a part of the price a nation pays for maintaining such a system. This is not to say that a federal system is undesirable, or that it comes at a higher price than must be paid under alternative forms of political organization. It simply means that the perfect form of governmental organization has yet to be devised.

Anyone at all familiar with the subject of federal-state relations knows how enormous it is, how manifold are its ramifications, and how impossible it would be to cover exhaustively in a single volume of moderate size even this one aspect of American intergovernmental relations. The author claims nothing more than to have discussed, with selected illustrations, certain aspects of the general problem. This she has done exceedingly well—so well, in fact, that the need for extensive investigation on many points is clearly indicated. The progress that has been made in federal-state coöperation—as this study repeatedly emphasizes—has been more or less accidental and piecemeal. We cannot remake the past, but we can and should plan for the future. May the reviewer renew the suggestion that he has made several times already, that we need a national commission composed of the ablest persons available in public life and in academic circles, with sufficient time and money to make a somewhat detailed and exhaustive investigation of the whole field of intergovernmental relations in the United States, with a view to evolving such a plan to guide future development, and to the perfection of suitable techniques?

W. Brooke Graves.

Temple University.

Government Corporations and Federal Funds. By John McDiarmid. (Chicago: University of Chicago Press. Pp. 244. 1938. $2.50.)

In this volume, the author considers in detail the Farm Credit Administration, the Tennessee Valley Authority, and the Reconstruction Finance Corporation, and gives more general consideration to a large number of the earlier and more recent government corporations. The introductory chapters supply the setting of the government corporation in American government and set forth more particularly the financial problem involved in this particular administrative device.

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Professor Marshall E. Dimock, who writes a significant and interesting introduction, and Mr. McDiarmid agree in their views concerning the place and rôle of the government corporation. They distinguish the English corporation, which, with the exception of the B.B.C., is likely to be privately owned and publicly operated or operated by a board publicly chosen, and also the Continental corporation with joint ownership by private investors and the government, from the American government corporation which is governmentally owned and governmentally operated. The rôle of the corporation as an administrative device is perceived clearly by the author, and he believes that it is in the commercial or semi-commercial fields of operation and regulation that the corporation is most advantageous. But to be most advantageous it must at the same time be free and responsible. The solution for this problem is the task which the author sets himself as he writes this volume.

In general, it should be said that this is an admirable piece of work. It is written clearly and with conviction. It is keenly analytical. The author has used government documents, statutes, regulations, and the more informal materials derived from correspondence and interview and direct observation in the field. On the whole, Mr. McDiarmid holds the balance rather well between the need for responsibility and for efficiency (freedom), although he at times may stress freedom rather more than responsibility. On one point the author seems clear. He realizes, as the President's Committee on Administrative Management apparently did not, that a federal statute on the subject of federal corporations might be of great advantage.

The author concludes, leaving no doubt as to his position on fundamental points, that annual appropriations in general are unsatisfactory as a source of capital; that bond issues should be permitted, subject perhaps to the approval of some officer such as the secretary of the treasury; that the corporation should be permitted to use its own earnings, up to a certain point at least; that the accounting office procedure is unsuited to these agencies; that the pre-audit is a serious handicap to them because of the restriction upon that freedom of discretion which is necessary to the management of men and materials in the field of regulatory competition; and that only general limitations should be placed upon the corporations as to the expenditure of money, the imposition of detailed minutiæ of financial control being inimical to their very purpose. The author advocates an efficiency and test type of audit. The privilege of answering exceptions taken in an audit should be permitted; the auditing work should be done by a special corporations division of the accounting office; the statute should prescribe something more than "shall audit"; and where several corporations are grouped together, the "parent" corporation might conduct the audit of the branches.

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Mr. McDiarmid doubtless realizes that accounting procedures have come to be applied in their present form partly because rascals and rogues get into the government service, while rascals and rogues stand outside to tempt those within; and he doubtless realizes that this can happen in the case of a government corporation. But he has sought in a genuine and searching analysis to lay the basis for the construction of a series of recommendations which to the reviewer seem very sound.

OLIVER PETER FIELD.

University of Minnesota.

The Reorganization of State Government in the United States. BY A. E. BUCK. (New York: Columbia University Press. 1938. Pp. ix, 299. $2.50.)

Although entitled "Reorganization of State Government," this monograph deals almost entirely with the single problem of administrative reorganization. The author touches only incidentally upon other problems pertinent to the movement for the modernization of state governments. The study is presented in two parts. In Part I, the author has "attempted to summarize the most significant features of the state reorganization movement and plans . . . " Part II presents a summary and running evaluation of the attempts at administrative reorganization in each of the forty-eight states. In the case of each state, the author reviews the movement from its inception, citing methods of approach, procedures, objectives, and results. The book carries also a comprehensive bibliography (general references and references by states), an adequate index, one map, and three charts outlining the administrative structure in Illinois, New York, and Tennessee.

On the whole, the presentation lacks balance. Only thirty-seven pages (Part I) are given over to a general discussion of the significant features of the state reorganization movement. Of these thirty-seven pages, ten are devoted directly to an analysis and evaluation of the movement. The fourteen pages reserved for a discussion of "Standards of Administrative Reorganization" reveal little that is new. The summary of results is by far the most valuable section in Part I. In these few pages the author speaks his mind. He convincingly refutes the idea that structural reorganization will in itself guarantee any measure of economy or efficiency in state government. The author concludes that definite economies are difficult to determine. Mr. Buck does not say as much, but one may infer, especially in view of specific cases cited in Part II, that any extravagant claims for economies challenge inquiry. Further, the author seriously questions whether or not improved methods of management "have not contributed more toward better service and greater economy than has administrative integration."

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Mr. Buck's real contribution is to be found in Part II. Although this part is primarily descriptive of the array of proposals and plans which have been considered in the states, the author is at times openly critical of the types, the objectives, and the frequent perversions of the principles. His discussions of the reorganization movement in Indiana and Tennessee are cases in point. Unfortunately, in many instances the author has relied too heavily upon mere statutory analysis of "paper plans" divorced from the political setting and personalities. In these cases, the unsuspecting reader may arrive at erroneous conclusions. Errors are thus apt to be inferential rather than factual. Limited space precluded clarifying discussions on all points; yet within these limits the author reports his observations faithfully and realistically with little of the dogmatism which characterizes Part I.

The volume is not (nor was it intended to be) an exhaustive study of the reorganization movement. It is rather a manual or handbook, and as such it is invaluable to students of government and laymen alike.

HAROLD M. DORR.

University of Michigan.

Budgetary Methods in National and State Governments. BY J. WILNER SUNDELSON. Special Report of the State Tax Commission of New York, No. 14. (Albany: J. B. Lyon and Company. 1938. Pp. xvi, 640.)

This critical analysis of the factors affecting governmental budget-balancing is particularly valuable as recording the effect of the depression years upon fiscal policies and budgetary practices. A descriptive survey of the systems of American states constitutes the major portion of the volume, but the leading nations of the world receive careful consideration.

The first part of the report proceeds to subject selected systems to the test of the principles of budgetary comprehensiveness and unity. Multiple budget systems and extraordinary or crisis budgets receive special attention. Extended consideration is given to the effect upon budgetary policy and practice in the states of assigned tax revenues, residue and percentage distributions, and continuing appropriations. One-third of the volume is devoted to budget program preparation and adoption, and more than usual emphasis is placed upon the final topic of budget-program execution. Discussion of the problem of estimating revenue yield is excellent and timely, revenue systems having tended more and more towards instability, with increased dependence upon the fluctuating yields of the non-property taxes.

Most readers will agree with the conclusion that "there is no jurisdiction which cannot profit from a radical revision of one or more major features of its budgetary system." The United States federal budgetary

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system is ranked among the foremost with respect to its comprehensiveness, and, in terms of bad characteristics of crisis budgets as found in Europe, is absolved of the stigma of having indulged in objectionable practices. Nevertheless, "neither tradition nor law makes the [federal] budgetary system a contributing feature in the planning of a balanced budgetary program."

The author is not hopeful for soundness in state budgetary and fiscal practices without a complete overthrow of traditions and legal framework, particularly as regards ear-marked or locally-shared revenues. "From the point of view of adjustability to dynamic economic conditions, the most obvious solution is a complete shifting from the tax-sharing to an expenditure grant," and elimination of dedicated revenues wherever possible. No state is making a satisfactory contribution towards the solution of the estimating problem, which is complicated by bad timing, both as regards the date of fiscal years and the length of the budget period. "It is impossible to assume that economic and fiscal events can be forecast with any degree of accuracy for a period longer than one year"; hence the recommendation that states return to annual legislative sessions. Even if borrowing is restored "to a legitimate and desirable rôle in the finances of the American states," it might not be advisable for states to attempt to prepare completely unified fiscal programs, since these would encourage the creation of extra-budgetary accounts.

The detailed description and analysis of state and national budgetary systems will be welcomed by the careful student in the field. As these take into account significant recent developments, the report brings much that has been covered in earlier treatises into focus after the disruptive influences of depression and crisis upon the fiscal systems of the world.

FREDERICK H. GUILD.

Legislative Council of Kansas.

The Powers of the President. BY W. E. BINKLEY. (New York: Doubleday, Doran and Company. 1938. Pp. 332. $2.50.)

"We are in the midst of Revolution, hitherto bloodless, but rapidly tending toward a change of the pure republican character of the government, and to the concentration of all power in the hands of one man." These words of Henry Clay, voiced more than a hundred years ago, are recalled by Professor Binkley in his highly interesting study. As the author shows, the recurrence of crisis government has meant increased executive responsibility and is followed by "outbursts of constitutionalism." Business interests, he insists, "have always been uncomfortable when a popular, aggressive leader has reached, or even threatened to reach, the office of President." The Federalists favored a strong executive;

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paradoxically enough for them and their successors, the presidents most influential have served as Tribunes of the People.

What are the powers of the President? Professor Binkley is dealing with the political scope of the Chief Executive rather than with his constitutional authority. Presidential power is seen as the product of circumstances, public opinion, and the personality of a president at a given time. The book treats the theories and practices followed by our presidents from George Washington to Franklin D. Roosevelt. The author calls attention to the almost pendulum-like alternation during recent decades between the "so-called constitutional presidents" and vigorous, independent chief executives. "We are almost certain to see in the future as in the past an alternation of the two types."

For the historical perspective brought to bear on present questions of presidential powers, the book is welcome indeed. The author stresses the ebb and flow of presidential powers rather than the development of the office itself. Hence, one fails to get from him a sense of direction and a basis for speculation as to how the presidential office can best meet the growing demands of the present and of the future. The author implies the need for strong presidential leadership. From our past experience he adduces no indication of how this may best be achieved. We seem to be left with the "necessity of hoping for the good luck of getting a competent leader along with a major crisis." Professor Binkley has written a valuable book, but he might well have developed his conclusions farther.

PENDLETON HERRING.

Harvard University.

In-Service Training of Federal Employees. By EARL BROOKS. Introduction by Samuel H. Ordway, Jr. (Chicago: Civil Service Assembly of the United States and Canada. 1938. Pp. 74.)

Mr. Brooks has performed a valuable service in describing the various training programs used in federal agencies. He has included both the "old-line" and "New Deal" agencies in his summary. Probably the most significant impression left in reading this report is the past failure of the U. S. Civil Service Commission to lend any help in the administration of these training programs. This condition has been permitted to exist because, as Commissioner Ordway indicates in his Introduction, "emphasis [has] centered on the selection process, primarily as a substitute for patronage" (p. 7).

Several noteworthy new trends in training are described in this monograph, especially in relation to federal-state coöperation in the administration of the U. S. Employment Service and the public assistance programs. The Employment Service, for example, has six field representatives who are available to state directors of training activities for advice and con-

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sultation. In the bureau of public assistance of the Social Security Board, a division of technical training is prepared, "upon the request of any state for aid in training its personnel engaged in public assistance administration [to send] one of its representatives to discuss with the state authorities the problems, needs, and resources regarding staff development" (p. 48).

Despite the immense amount of effort being expended to establish suitable training programs, Mr. Brooks comes to the conclusion that " . . . most federal agencies, however, still merely require the new employee to take the oath of office, assign him a desk, and tell him to go to work" (p. 58).

With this valuable information at hand, the Council on Personnel Administration should appraise each method in use, taking into account environmental conditions which make different techniques necessary, and prepare recommendations to guide the U. S. Civil Service Commission in its efforts to administer the section of Executive Order No. 7916 which provides that " . . . the Civil Service Commission shall . . . establish practical training courses for employees in the departmental and field services of the classified civil service . . . "

Mr. Brooks has summarized in an appendix, by agency, the training methods in use. In a later edition, it would be helpful to summarize the data for the various governmental organizations in regard to such topics as time when classes are given (whether during or after office hours); whether the courses are compulsory; whether fees are charged; the place in the organizational hierarchy of the director of training activities; the purposes that the various courses are intended to serve—induction, instruction in new methods, instruction in new rules, regulations, and legislation, etc. Such summarizing is necessary, because the voluminous descriptive material in this publication is divided by agency and not by types of training.

MILTON MANDELL.

Tennessee Valley Authority.

Urban Blight and Slums; Economic and Legal Factors in Their Origin, Reclamation, and Prevention. By MABEL L. WALKER. Harvard City Planning Studies, XII. (Cambridge: Harvard University Press. 1938. Pp. xvi, 442. $4.00.)

As the title-page shows, this work was sponsored by Harold S. Buttenheim and Lawson Purdy, and it includes special chapters by Henry Wright (on the rehabilitation of blighted areas), Ira S. Robbins (on land assembly problems), W. Phillip Shatts (on the relation of zoning to land values), Kenneth H. Zabriskie (on mortgage financing), A. C. Shire (on rationalization of the home-building industry), and Richard U. Ratcliff

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(on the attack on slums and unfit housing in England and Holland). Principal credit for the work goes, nevertheless, to Mabel Walker, who wrote twenty-two of the thirty chapters.

Even the lengthy subtitle does not indicate fully the compendious scope of the volume. It defines urban blight and slums, and suggests methods of rehabilitating blighted areas, but it goes far beyond these matters into questions of zoning, land values, property taxation, tax exemption for homesteads and housing projects, increment taxes, excess condemnation, housing finance, and the rôle and legislation of national, state, and local governments in the promotion of better housing. No student of modern housing can afford to neglect this authoritative, well-reasoned, well-rounded view of the urban housing problem. The author might easily be twitted about her adoption of the phrase "unfit for human habitation." How can a place be "uninhabitable" or "absolutely unfit for human habitation" (quoted, p. 77) when people actually live in it? Are not the occupants entitled to an opinion in this matter? That which is inhabited must be habitable. In general, however, the author avoids such sentimental value-judgments, and her treatment of the economic phases of the housing problem is penetrating and hard-headed.

WILLIAM ANDERSON.

University of Minnesota.

The Dominions as Sovereign States; Their Constitutions and Governments. By ARTHUR BERRIEDALE KEITH. (London: Macmillan and Company. 1938. Pp. xlv, 769. $6.25.)

Every important stage in the post-war evolution of Dominion status has been accompanied by a volume by Professor Keith elucidating the new situation. He considers that these provisional studies can now be replaced by a more definitive work, since both General Hertzog and Mr. De Valera appear to have completed their programmes in so far as changes in the constitutional structure of the British Commonwealth are concerned. "The time seems at last to have arrived when the status of the Dominions can be set forth with a certain measure of assurance that no events in the near future will happen to disturb the essential principles affecting their place in the Empire or the Commonwealth."

In the first part of the book under review, a brief sketch of historical development is followed by a discussion of the present status of the Dominions in international law and their constitutional relations with Great Britain, in the light of the Statute of Westminster, the subsequent legislation in Eire and the Union of South Africa, and the decisions of the Privy Council. Professor Keith's conclusion is that the British Empire is no longer a single sovereign state, although precisely what it is defies legal classification. "In a large sense, the Dominions are really and unquestion-

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ably states of international law," although they do not "possess the full plenitude of international status enjoyed for instance by France or Germany." South Africa, for example, now possesses the legal machinery for proclaiming neutrality; but the legal argument for the right of neutrality or of that of secession is not very strong. In this, as elsewhere in the book, the present state of international relations breaks into the argument by the observation that the question will be decided not on grounds of constitutionalism, but of, e.g., the naval base at Simonstown or the German ambitions in Southwest Africa. There is an interesting account of how the abdication of Edward VIII was used by General Hertzog to further his doctrine of the divisibility of the Crown, and by Mr. De Valera to eliminate it from all functional connection with the state save in foreign affairs. His simultaneous recognition of the Italian conquest of Ethiopia compelled the king "to appear in the rôle of a king with two faces, recognizing for Ireland the king of Italy as emperor of Ethiopia, and for the rest of his dominions the exiled emperor as sovereign *de jure*." Mr. De Valera has also created the paradox that citizens of Eire exchange their nationality and become British subjects as soon as they cross its boundaries.

The second, and by far the longer, part of the book discusses the legal structure of government in each of the Dominions. Separate chapters are devoted to the representative of the Crown (including the president of Eire, who, Professor Keith believes, may come to rival the prime minister in power), the cabinet and the civil service, the legislatures, and the judiciary. American students will be particularly interested in the chapters on the division of powers between the Dominion and the provincial governments in Canada and Australia and the effect upon the constitutions of the decisions of the supreme courts and of the Judicial Committee of the Privy Council. In the chapter on South Africa, Professor Keith describes how the attainment of Dominion status, combined with General Hertzog's native policy, has made it excessively difficult for the British government to accede to the demand that the South African protectorates be transferred to Dominion control. Subsequent chapters deal with Dominion foreign relations, Dominion attitudes towards the League, their mandates, their defences, and the Ottawa Conference Agreements. The text is preceded by a list of cases cited, and followed by a detailed index.

LENNOX A. MILLS.

University of Minnesota.

Geographic Aspects of International Relations. EDITED BY CHARLES C. COLBY. (Chicago: University of Chicago Press. 1938. Pp. 295. $3.00.)

This small volume contains the lectures given at the University of Chicago in 1937 on the Harris Foundation. Professor Harlan H. Barrows

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of Chicago contributes an outline of "A National Plan and Policy for the Control and Use of Water Resources," which apparently has no international aspects, and Pierre Denis provides an excellent analysis of "International Aspects of State Intervention in Economic Life," which apparently have no geographic bearing. However, the other authors have been true to the title and have dealt with geographic aspects of international relations.

President Isaiah Bowman of Johns Hopkins offers a paper on "Population Outlets in Overseas Territories" which incorporates some of the results of the studies on the limitations of land settlement undertaken under his supervision. The more important of these conclusions can be formulated as follows: (1) that in countries in which population increases, emigration seldom moves more than a small fraction of the yearly increment; (2) that the areas in the world which at one time represented absorption power in terms of an agrarian economy are now largely filled up and that the pioneer fringe left is either too hot or too cold, too dry or too wet, or too remote; (3) that the really large absorption of immigrants in the United States was made possible, not so much by the creation of an agrarian economy on the virgin prairies of the West as by the creation of an industrial economy in the East; (4) that territorial expansion in the form of colonies may serve a lot of useful purposes, but that the one purpose which it will not serve is the reduction of so-called population pressure; (5) that the era of the free movement of population from Europe to the New World has come to an end.

The paper of Professor Preston E. James of Michigan on "The Distribution of People in South America" largely confirms the general conclusions of Dr. Bowman's essay. The author has tried to find an explanation for certain characteristic features of population distribution on that continent, and has found the answer in the primitive type of settlement still prevailing and in the geographic factors conditioning habitability. The settlement clusters with which the European immigration began were dispersed much more widely than those of North America, and have not yet had time to grow together. In terms of a European standard of living, the continent will probably never have a population commensurate with its size. Climate will exclude many areas from European types of agriculture, and there seem to be no regions in which a fortunate combination of raw materials promises industrial developments with large powers of absorption.

The three remaining studies deal with different aspects of border problems. In "Reshaping the Map of West Africa," Professor Derwent Whittlesey of Harvard describes a special type of colonial penetration. The area studied consists of four parallel natural regions: tropical forest, park-like savannah, grassy stepland, and desert, and has been nearly immune to penetration. After the decline of the slave-trade, the white

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man lost interest in this part of Africa until at the end of the century new economic possibilities were discovered and new advancements in tropical medicine made possible the control of epidemics. The colonial powers then began to push inland and superimposed upon the native cultures which follow in their distribution the west-east direction of the natural regions a colonial pattern which follows the south-north axis of the lines of penetration. The new political boundaries in many cases disrupt tribal affiliations and set up trade barriers within native economic regions.

The next border study is an excellent paper by Professor Robert S. Platt of Chicago on "Conflicting Territorial Claims in the Upper Amazon." This region is a very large forested area with ninety per cent of the land upland plain, hot throughout the year, with heavy rainfall, but not swampy and never flooded. It is dotted here and there with trading posts and has as its principal city Iquitos, a seaport two thousand miles from the Atlantic coast. This area is the meeting point of two lines of movement. The oldest came from the west and followed the trails down the eastern slopes of the Andes; the younger came from the east, up the Amazon river, and became important only with the development of steam navigation. The conflict, however, is no longer between east and west. Brazil has settled all her boundary disputes with her neighbors. The remaining conflict is a dispute between Equador and Peru. The claim of Equador is strong on historical and legal grounds. Penetration into the region was originally undertaken from Quito, and the jurisdiction of that town over the region was well established. But in recent times the shortest and most efficient route into the territory is the one opposite Lima between the eastern end of the transandean highway and the western head of navigation on the Ucayali river. The result has been that today Peruvians rather than Equadorians are the inhabitants of the region, and that integration of the territory is with Lima rather than with Quito. This conflict between historical claims and effective contemporary integration is one of the forms in which border problems present themselves and an illustration of the difficulty of trying to fit all regions of the world in a framework of national states.

In addition to these detailed area studies, the volume contains a contribution by Professor Richard Hartshorne of Minnesota entitled "A Survey of the Boundary Problems of Europe." In this study, a boundary problem is defined as a disagreement over what should be the location of a boundary line. The author is of the opinion that, in the majority of cases, it is the dissatisfaction of the people in the border region that creates the disagreement. The survey, therefore, presents the human geography of the border regions and not the interests of the contending states. Professor Hartshorne has attempted to estimate the degree of intensity of the association of the border region with the claimant state

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by giving a rating to each of the binding factors of nationality, transportation, and historical association. The results are presented in tabular form, and the resulting table, together with the text, offers the reader a most admirable survey of the geographic aspects of European border problems. The author has unfortunately not informed us how he arrived at a quantitative scale for the bonds of nationality and historical association, and the title of his table is somewhat misleading. It is called "Tentative Evaluation of Conflicting Border Claims in Europe." It is not clear to the reviewer whether the table is presented as a tentative estimate of the strength of association of border regions with claimant states, or as Professor Hartshorne's tentative evaluation of the validity of conflicting border claims. The first would indicate that the table is an attempt to state geographic facts; the second, that the table is an attempt to state subjective value judgments.

The geographic approach to the study of boundary problems must always remain the basic one, even if in such disputes, as the author himself recognizes, the geographic factors are never the whole story. In the realm of foreign policy, ends and means have a queer way of changing places at unexpected moments. The minority across the boundary is sometimes the end and purpose of a policy of irredentism, but in some instances the minority across the border is only an instrument of national policy, an excuse for a boundary change actually demanded for reasons of power politics.

NICHOLAS J. SPYKMAN.

Yale University.

International Legislation; An Essay on Changes in International Law and in International Legal Situations. By TORSTEN GIHL. Translated from the Swedish by Sydney J. Charleston. (London: Oxford University Press. 1937. Pp. vii, 158. 10s.6d.)

During recent years, the literature on "peaceful change" has grown apace. This erudite essay by the Chief Archivist of the Swedish Ministry of Foreign Affairs differs from most of the other literature on the subject in that it is confined strictly to a dialectical exploration of two closely related questions: In the absence of a *super*-national legislative authority, which, the author assumes, lies beyond the range of immediate possibility, (a) can alterations in the general rules of international law, and (b) can changes in particular legal situations, be secured peacefully by any other method than voluntary interstate agreement?

The conclusion reached by Mr. Gihl's closely-knit argumentation is negative on both counts. As regards general international law, he refuses to recognize as valid any source except custom. Treaties, even when they take the form of multi-lateral conventions, constitute but contracts

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legally binding only on the signatory parties—although other states may subsequently adhere to or tacitly observe their provisions. It is therefore denied that legislation can or does exist at the international level in the sense that it operates inside states. International treaties of a so-called law-making character are really "based upon reciprocity" and cannot lay down positive, universal obligations. Declaratory treaties, moreover, merely embody rules "which either are, or are considered by the parties to be, identical with actually existing rules of customary law" (p. 64). In either case, voluntary agreement among the parties must be present. Wars are obviously not fought over changes in general international law; on the contrary, the institution of war has itself been responsible for much of the evolution of customary law.

The crux of the problem of "revisionism," then, is whether it is possible to devise orderly methods for modifying specific legal situations against the will of an interested power—without at the same time arriving at a world-state. Whatever line of approach is taken, the difficulties are, in Mr. Gihl's view, virtually insuperable. Here the question is one of settling, not legal disputes, but disputes involving vital interests—independence, territorial boundaries, colonies, the status of minorities, and so on. It is quite clear that states will not submit in advance to the compulsory settlement of such disputes by courts or arbitral agencies *ex aequo et bono;* or, if they should, there is no reason for believing that a powerful loser state would voluntarily acquiesce in the award. Neither the obligatory "conciliation" procedure under Article 15 of the Covenant, nor the proposal to strengthen Article 19 by withholding League support from the recalcitrant state in case it is attacked by the successful plaintiff state, touches the heart of the problem. In each contingency the League would merely be helping "a strong power which is putting forth a claim against a weaker, and it presupposes the retention of war as a political instrument. The dilemma in connection with 'peaceful change' is that, if we get peace, we get no changes" (p. 132).

There will be many readers of Mr. Gihl's essay, among them this reviewer, who will refuse to accept the depressingly categorical form in which he puts this dilemma. Yet, in view of the appalling course of events in Europe since last March, there will be few to challenge his final evaluation: "When all is said, the dangers to peace proceed less from situations which are inequitable or inexpedient and which could accordingly be changed by decisions *ex aequo et bono* than from situations which are not in correspondence with the interests and desires, *justified or not*, of the states in question, provided that such desires are supported by the resources, military strength, etc., of these states, and are prosecuted with sufficient ruthlessness" (p. 150). Not the least service performed by Mr. Gihl's study is to raise the question whether, at the present stage of

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international organization, it is not easy to over-emphasize the importance of *legal* change as an alternative to blackmail and violence.

WALTER R. SHARP.

University of Wisconsin.

Government in Republican China. By PAUL MYRON ANTHONY LINEBARGER. (New York: McGraw-Hill Book Company. 1938. Pp. xv, 203. $1.50.)

Dr. Linebarger, after a brief survey of the "peculiarities" of old (i.e., pre-Republican), and of new, China, from which he concludes that contemporary Chinese institutions are transitional, finds three ultimate determinants of power in present-day China: ideological movements, military and economic forces, and governments. One of the three principal parts of his book is devoted to each of these factors. However, the author's interest throughout the whole work is in ideas rather than in institutions or politics.

Confucianism and nationalism are analyzed in Part I, the former as the ideology of old, the latter of new, China. The author is at his best in interpreting the former system of ideas. It would be difficult to epitomize the political aspects of Confucianism more succinctly than in these sentences: "Government in [old] China was an auxiliary activity, the reserve power of a hierarchy given to the pursuit of different ends. The officials were teachers [of Confucianism] first and magistrates afterward, the emperor was a supreme model first and a ruler afterward; the people were shamed, and punished only when they were shameless" (pp. 19–20). When Western influence and attack altered the facts of life to which the social-political ideology was related, the ideology lost respect and the agencies of government, deprived of moral foundation, crashed in revolution. Yet the search for a new theory of society, in the author's opinion, continually turns to Confucianism, which regains strength under the critical examination of modern Chinese scholarship.

While recognizing that a sentiment of nationalism has been a constant feature of China's history, Dr. Linebarger considers that Manchu conquest and racial policy were the principal stimulants of the nationalist movement prior to the advent in force of the Occidental barbarian. He gives weight to the revolutionary activities of Sun Yat-sen as the first conscious expression of nationalism, tracing in some detail the several phases of Dr. Sun's intellectual effort. At this point he omits reference to the economic discontents of the provincial gentry which appreciably assisted toward the easy otherthrow of the Ch'ing dynasty. The discussion of the Kuomintang's alliance with Communism acknowledges the aid thereby obtained, but refrains from any inquiry into the validity of Dr. Sun's declaration that Communism was not suited to China. The

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explanation of the schism of 1927 over-emphasizes the determination of the Communists to redden the Kuomintang.

Part II gives only brief attention to economic forces, but is original and revealing in its description of military power throughout Chinese history. Mass armies with crossbows defeated feudalism, but were themselves defeated by barbarian cavalry or by Occidental weapons and technical knowledge. No continuity is suggested between the Manchu garrison system and the tuchunal armies of the earlier Republic, the latter resembling rather the earlier mass organization minus the web of civilian control and the doctrine of moral rule. Nationalism in arms under Chiang K'ai-shek, whom the author calls a Christian and a man of character, approved by the people, is restoring orderly government; a modern state is resulting from the necessities of a modern army. In Part III, the structure of Chinese government at salient periods since its first appearance is described briefly but with understanding and with sympathetic realism. There is a chronology of dynasties and an index. To those with a fair knowledge of Chinese history and institutions, this scholarly study, of unusual literary quality, offers a significant and provocative contribution toward their interpretation.

HAROLD S. QUIGLEY.

University of Minnesota.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

Fascism, of whatever variety, is promoted by capital for the sole benefit of capital. This theme is prominent in A. B. Magil and Henry Stevens, *The Peril of Fascism; The Crisis of American Democracy* (International Publishers, pp. 319, $2.50). The authors find the germs of fascism in America as long ago as the 'seventies and 'eighties, in the strike-breaking activities of the United States Army, state militia, company police, private detectives, and the injunction. We are told that American capital gave definite signs of a turn toward fascism during the Hoover administration, and that capital looked with favor upon President Franklin D. Roosevelt until he displayed an unwillingness to promote monopoly and showed concern for the interests of labor. Convinced that Landon was simply a tool of the fascists, the writers hail the Roosevelt victory as a notable triumph for democracy. But they warn us that Wall Street and all other institutions and organizations of reaction have continued the struggle. Among menacing organizations are listed the United States Chamber of Commerce, the American Legion (until recently), the Black Legion, the Khaki Shirts, the Silver Shirts, and the Ku Klux Klan, each of which represents capital or plays into its hands. The individuals

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to be feared are not only the Liberty Leaguers but also the Longs and the Coughlins, who have their communications with capitalists and who can give fascism the needed mass base. The writers seem to believe that communism is the way out for the American people; but, realizing that the majority of Americans do not share this view, they propose that all enemies of fascism form a common line of defense against the foe. Aside from their emphasis upon capital as the villain, the authors agree in general with other anti-fascist writers as to the forces which undermine democracy and usher in fascism. The book is well-written, and some of its facts and figures may be noted with profit by those who do not share its authors' conclusions.—CLAUDIUS O. JOHNSON.

In the September, 1938, issue (Vol. 199) of the *Annals of the American Academy of Political and Social Science*, entitled "Better City Government" (pp. 229), the editor, Roy V. Peel, has brought together the views of political scientists, city officials, and research workers as to the principles of good municipal government and the extent to which they are being followed in actual practice. The principles of good municipal government are presented in section one, followed in section two by an appraisal of the three forms of government, based on an examination of the situation in particular cities. Most attention is given to the manager plan, there being a general appraisal of council-manager cities, followed by papers on a city where the manager plan has failed (Kansas City) and on one where it has worked (Dallas). There are papers on commission government (Newark) and mayor-council government (Atlanta). While in the comparison the council-manager plan fares best, it appears that the form, if not of minor importance, does not insure good government. In section three, some of the functions of municipal government (education, housing, recreation, police, welfare) are examined to see to what extent their administration meets the tests of good city government. By an attempt to apply the scientific method to a particular service, we see the value, and also the limitations, of objective measurements of efficiency in performing governmental functions. The two final sections of the volume look to the future, covering agencies for the improvement of municipal government (research, citizen groups, etc.) and the prospects for a science of municipal government. This collection of papers is thought-provoking as to means and methods by which we may achieve the desired goal when we may say that our cities are "well governed."—CHARLES M. KNEIER.

"Unfortunately," says August Vollmer in his introduction to V. A. Leonard's, *Police Communication Systems* (University of California Press, pp. 579, $5.00), "the police have been handicapped in their efforts to plan efficient communication systems by a lack of published works on

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the subject. Every department has been forced to struggle with the solution of its communication problem independently; little or no opportunity has been offered for one organization to become acquainted with the practices and equipment employed by others, and thus to profit by their successes and failures. Large sums of money and much effort have been wasted in fruitless and repetitious experimentation which might well have been avoided if the accumulated knowledge in this field had been available." In response to this need, V. A. Leonard, who is superintendent of identification in the Fort Worth, Texas, police department, has collected a mass of material on this highly important subject. The book contains chapters on the modern police telephone system, the beat and its equipment, police radio systems, radio patrol operators, teletype networks, burglar and hold-up alarm systems, foreign and regional police communication systems, and the use of police communications in disaster emergencies and in making distant identifications. Especially helpful are the appendixes, which include copies of record forms, sample specifications and bidding instructions for purchase of equipment, a contract covering regional police radio service, and typical radio legislation enacted by states and municipalities to prevent electrical interference and forbid squad-car chasing by the public. Superintendent Leonard emphasizes two major points. The first is that a communications system is the thing that binds every individual police officer into the whole which is called "the police department." The second is that the success of any police communications system depends on using each device—the telephone, radio, teletype—for the purpose for which it is best suited. By so doing, the system will work smoothly, because no part of it will be overloaded.—WILLIAM P. RUTLEDGE.

In 1933, the departments of political science and education at the University of Chicago embarked upon a joint study of the relations between public schools and city governments in all cities of the United States having a population of 50,000 or more. The findings, reported in *Schools and City Government* (University of Chicago Press, pp. xi, 104, $1.50), by Nelson B. Henry and Jerome G. Kerwin, may be regarded as an important contribution to a field which has received comparatively little attention from political scientists. School-board members are chosen by popular election in 139 out of the 191 cities, but in 92 cases those in charge of the study maintain that school budgets are sufficiently subject to city or county control to justify classifying the school systems as "dependent." There is abundant evidence of the widespread opposition among both citizens and school officials to any plan making schools an administrative division of city government. Nevertheless, the directors of the study confess that they are not convinced that there is actually a

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very sound basis for such an attitude. On several grounds, including the record in council-manager cities, they predict that school systems will gradually be made integral parts of city government. They point out how much is being done at present for schools by various departments of city government in such fields as building construction and maintenance, school finance, purchasing, health services, recreation, civil service, and juvenile delinquency.—HAROLD ZINK.

A book to place beside Dr. Belle Zeller's admirable study, *Pressure Politics in New York*, as still another addition to the significant analyses of the political process done at Columbia University is *Pressures on the Legislature of New Jersey* (Columbia University Press, pp. 246, $2.75), by Dayton David McKean. As a member of the New Jersey Assembly in the sessions of 1934 and 1935, the author saw and felt the influences which he as a scholar so interestingly describes. Against the background of New Jersey politics, he shows the interests represented before the Assembly, their methods, and something of the internal structure of various groups. As a case study, he presents the fight over the sales tax. In a book which reports so clearly and with such excellent temper, one wishes that the author had examined more carefully the theoretical assumptions upon which his final evaluation is built. But he shows how groups control the legislature, how administrative agencies must rely upon organized groups in the community, and how even the various branches of the state government act as pressures upon one another. The conclusion is that "the complexities of human interests probably make impossible the selection of entirely disinterested legislatures." Implicit here and elsewhere throughout the book is the thought that the "state" should do something about these selfish pressures. It is surprising to find the "state" discussed as a separate entity in a book composed throughout of concrete evidence to the contrary. The author also frequently evaluates pressures with reference to the "public good." While such subjective valuation is admissible, what of the picture of the public good that prevails among New Jersey politicians? Such abstractions might well be included as part of the *datum* for the student of the political process to examine. On the practice of politics, this book is most illuminating.—PENDLETON HERRING.

Under the auspices of a research project financed by the Works Progress Administration, Wallace S. Sayre and Milton Mandell have prepared a survey entitled *Education and the Civil Service in New York City* (Office of Education Bulletin, No. 20, pp. 78). The report is in two parts: I, Recruitment Policies, Education, and Experience, and II, Education, Pre-Entry Training, and In-Service Training. In addition to pertinent civil service records, use was made of individual questionnaires returned by

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representative employees. The study contains significant data on overweighting of length of experience and on the use of questions calling for knowledge of ephemeral facts which can be packed into the head of a competitor by cramming schools. It advocates confining recruiting to the lowest classes in each field of civilian competence, increasing the weight given to basic education, promotion from within, and post-entry training. The recommendations would lead to a career in the service of the City of New York. Many have already found a career in that service. Low entrance ages, close integration with the educational system, tests that minimize experience and stress educational achievements have much to commend them. They tend, however, to exclude from public positions older workers who may be a bit rusty on school work but have learned through experience. In America, humanitarians question the wisdom of the adoption, either by private or by public employers, of a system that additionally penalizes older workers who have to seek new connections. If commissions, in the effort to build a career in the service of a particular government, move far in that direction, they may encounter a popular political revolt.—LEWIS MERIAM.

Since the late Professor Redlich's study of American law schools and law teaching twenty-five years ago, few notable foreign scholars have attempted to interpret American methods of higher education to the American learned public. Mr. Benjamin Akzin, assistant at the Institute of Comparative Law at the University of Paris and professor of law at the Portia Law School, Boston, has now performed a useful service with his *Reflexions sur la science et l'éducation politiques aux États-Unis* (Receuil Sirey, pp. 90). Although the book was written primarily for European readers, American teachers and students of political science will find many interesting observations and suggestions in it. Mr. Akzin's study also deals with the methods of political education in American high schools and with the non-party mechanisms of fostering civic loyalty among adults. He contrasts these aspects of the American educational pattern with the lack of political education in high schools in democratic countries in Europe on the one hand and the high-voltage intellectual pressure in the dictatorial countries on the other. On the whole, Mr. Akzin inclines to the view that the American educational system has managed to achieve a successful balance between intellectual freedom and vigorous assertion of democratic principles in a world of conflicting loyalties. In comparing European with American universities, he finds that the latter devote more time and energy to both instruction and research in political science, and he also develops the wider implications of this phenomenon. One of Professor Akzin's major criticisms is directed against the fact that political science in the United States is virtually con-

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fined to the colleges of arts and sciences. This is especially regrettable in the case of the law schools; they cannot, in the opinion of Mr. Akzin as well as of American educators, train lawyers capable of dealing with all the pressing social, economic, and political issues of today without an adequate preparation in the social sciences.—WILLIAM EBENSTEIN.

In a work curiously entitled *The Real Japanese California* (Berkeley: James J. Gillick Co., pp. xii, 275), Jean Pajus sets out, after "seven years of uninterrupted lecturing to American students in the field of political science," and as a "neutral American citizen who is neither Californian nor Japanese," to deal with the "situation." He states that many of the "conflicting and prejudiced opinions" are due "to the misconception that California possesses a Japanese problem." He has the firm conviction that by "taking the state as a basis of measurement in respect to total acreage under cultivation and to the entire population, California never had [*sic*] nor has it now a Japanese problem." After a review of many of the main highlights in the story of the coming of the Japanese into California, the author concludes that "statistics [*sic*] definitely prove that there never was and never will be a Japanese problem in California as a whole or any part of it. . . ." Appendices carry the texts of the Immigration Act of 1924 and the Japanese-American treaty of 1911; and there is a useful bibliography. The volume falls short of its announced objective because of the fact that the author relies too much on statistics, neglects the psychological and international aspects of the case, and writes of the Japanese in California as if they were completely detached from bonds with Japan. All too lightly he glosses over the matter of economic competition in flower shops, vegetable stands, horticulture, and other lines in the cities. He disposes of the difficult fishery problem with velvet gloves. The book contains many useful figures and much helpful information. Most Californians will agree with the author that the Japanese in California have excellent qualities and are law-abiding and industrious; but it is far too naive to maintain that there is no problem in California regarding the Japanese. The solution of the real Japanese-American problem centering in California will not come by ignoring the problem's existence.—J. EUGENE HARLEY.

Personnel Administration and Procedure (Publication No. 61 of the Public Administration Service, pp. 96, $1.50) is a report on the installation of a joint personnel program for the State Department of Public Welfare and the Unemployment Division in Indiana. The report sets forth in brief form the major principles which should be followed in a systematic personnel procedure and describes the application of these principles in the operation of the Indiana system. The concise and readable exposition is supported by illustrations of the forms used by the

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Bureau of Personnel for purposes of record and correspondence, and the appendix contains a complete text of the rules and regulations adopted by the personnel administration, as well as the classification and compensation plans. Because of its direct association with practical problems of government, combined with a clarity of presentation, this monograph will be a valuable addition to reading materials for students of political science and administration. Its greatest usefulness, however, should arise from its availability as a guide for personnel agencies and for officials and advisors in other branches of the public service.—EDWIN O. STENE.

In his *A Book of Ballots; Representative Facsimile Ballots of Local, State, and National Governments* (Detroit Bureau of Governmental Research, pp. xii, 43, $1.00), Carl O. Smith has performed an excellent service for students of comparative political parties and election administration. About a dozen American primary ballots and the same number of election ballots are reproduced in full or in part. The ballots for some fifteen foreign countries also are given. Unfortunately, the text is too brief to do full justice to the illustrations. The author is compelled to dismiss with a sentence or two such matters as the various methods for shortening American ballots, the problems involved in American recall elections, and the complicated systems of registering preferences for individual candidates in foreign countries having proportional representation. A slight slip is made in describing the cumulative system of voting used in Illinois. It is not possible in that state for a voter to cast one vote for one candidate for state representative and two for another.—HAROLD F. GOSNELL.

The scope of *Labor in the United States; Some Basic Statistics for Social Security* (Committee on Social Security, Social Science Research Council, pp. xxii, 333), by W. S. Woytinsky, is indicated by the sub-title. The statistics presented are not mere reprints of census data but analyses of trends and forecasts by one of the ablest of European statisticians, now an exile in this country. The study establishes conclusively that the much discussed 47-billion-dollar reserve in the federal old age insurance system is fiction, created by actuaries who disregarded factors that will result in much larger benefit payments than they estimated.—EDWIN E. WITTE.

FOREIGN AND COMPARATIVE GOVERNMENT

In his *Le Rôle financier du Sénat français* (Recueil Sirey, pp. 262), François Goguel surveys with scholarly care the behavior of the French upper chamber on budgetary and monetary issues from the early years of the Third Republic through 1926. Seven significant episodes in French fiscal politics, of which the two most important are probably the adoption of the income tax (1914–17) and the Poincaré economy measures of 1926,

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form the sequence of a detailed descriptive commentary by the author, who is a member of the Palais du Luxembourg's bill-drafting bureau. The volume is rounded out with a chapter which interprets the financial psychology of the "elder statesmen" in general terms. This psychology, claims M. Goguel, is compounded of a strong predilection for economic individualism, a congenital weakness for monetary deflation, and a desire to favor agriculture in voting tax legislation. Thus may be explained, for example, the Senate's stubborn resistance to direct taxes based on ability to pay, its reluctance to increase social expenditures, and its hesitancy in approving the acquisition by the state of the *Chemin de Fer de l'Ouest* in 1908. In taking the position that, on the whole, the Senate's fiscal attitude has served the Third Republic well, Goguel, whose conservative leanings emerge at the end, would seem to this reviewer to have minimized unduly the extent to which the upper house may throw sand into the gears of parliamentary government when economic class interests are at stake. A growing tendency to yield to this temptation has marked the Senate's behavior during the years since Poincaré—a period unfortunately not included in M. Goguel's survey.—WALTER R. SHARP.

The Last Genro: The Statesman Who Westernized Japan (J. B. Lippincott Co., pp. 442, $3.50), by Bunji Omura, is somewhat misleading in its title, for Prince Saionji is only one of the statesmen who westernized Japan, and far from being a serious biography the book is, as the author admits in his preface, a romance, albeit based "on authentic historical facts." By means of imaginary conversations between Saionji and Ito and other historical figures, as well as with members of his family, the author seeks to give the spirit of the Japan that has sprung from feudalism to the mastery of Asia within three score years. The story, however, contains some unwarranted assumptions—for instance, the hypothesis that Saionji was so naïve as to be captivated by Ito's flippant, irrelevant, and sugar-coated words of persuasion, reinforced by a beautiful woman as decoy. For English readers, this part of the story is better told by Yosaburo Takekoshi's *Prince Saionji* published in translation in 1933. The vulgar lines put into Ito's mouth (on p. 83) have been denied by excellent scholars as coming from Ito. Again, the poem in praise of the Tago-no-ura shores of Suruga Bay (p. 124) is not by the bard Kakinomoto-no-Hitomaro, but, as every Japanese schoolboy knows, by Yamabe-no-Akahito. There are several anachronisms. The author speaks (p. 106) as if Saionji were genro in 1890, while as a matter of fact he was not designated as such by the Emperor until 1912. He sends the Japanese soldiers to China in the Sino-Japanese War of 1894 clad in khaki uniforms, although this uniform was not used until the Boer War.—KENNETH COLEGROVE.

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The International Legislative Information Centre in Geneva has issued, under date of March 10, 1938, the first number of an ambitious *Universal Digest of Laws and Ordinances*, priced at $58.00 a year, and published in French and English. It is issued under the auspices of a distinguished honorary committee including, from the United States, Professor James W. Garner. The introduction announces an intention that " . . . monthly volumes of five hundred to six hundred pages will contain the laws, orders, decisions, ordinances, and the various other legislative acts adopted in all the countries in the world . . . " Acts will be published verbatim, in full summary, or in short summary, according to their importance. Chronological, geographical, and analytical indexes are used. The reviewer wishes the new enterprise well, but confesses much skepticism as to its practicability. Its usefulness will usually be limited to large law libraries, since the summaries are so short that careful scholars must refer to original acts. The fact of monthly publication means that the Digest will be a cumbersome tool for those who wish to make world-wide studies of law and decrees on particular matters. It suffers from the almost fatal weakness of our *State Law Index*—disregard of previously enacted legislation—and the American laws and orders cited in the first number make one question the policies involved in the selection of material. Nevertheless, if some philanthropist will enable the enterprise actually to be carried out, it may eventually prove of great value to scholars.—GEORGE C. S. BENSON.

Die Verwaltungsorganization der Kolonien im Tropischen Afrika, by Dr. Wilhelm Wengler (Munich: Duncker und Humblot, pp. 62), is of value chiefly as reflecting the continued German interest in colonies. In five short lectures, the British, French, Italian, and Belgian colonies in Central Africa are described and compared with respect to legislation for the colonies, the colonial administrative organs in the metropolitan country, the European administrative organs in the colonies, the participation of natives in administration, and the financial and economic administration. The lectures contain some interesting material and comparisons, but the discussion of fundamental problems of colonial policy is decidedly elementary.—A. VANDENBOSCH.

INTERNATIONAL LAW AND RELATIONS

In a small volume entitled *America and the Strife of Europe* (University of Chicago Press, pp. xiii, 264, $2.00), Professor J. Fred Rippy presents a thoughtful discussion of some of the effects of Europe's wars on American foreign policy. The first five chapters give a background of American ideology in relation to foreign affairs, including isolationist, democratic, pacifist, and expansionist doctrines. The author believes that the people

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of the United States are motivated as much by idealism as by interests. Three chapters picture the advantage taken by this country of European discords, expanding territorially on this continent and abroad, and promulgating the Monroe Doctrine. In spite of these advantages, we have deplored wars in Europe and have sought to prevent or shorten them. Three chapters are given to the efforts of Theodore Roosevelt, Bryan, and Wilson to lend a hand in behalf of European peace. In his final chapter on "The Plight of the Isolationists," Professor Rippy discusses the recent neutrality efforts of the United States, particularly the neutrality legislation of 1937, which he seems to regard as constructive but incapable of guaranteeing us our neutrality. He believes that the major obstacles to neutrality are the appeals of crusading idealists and vested interests. Several maps and a well-selected bibliography add to the usefulness of the volume. The author makes no suggestion as to the course which our government should follow in periods of European strife, except to recommend that, in view of the shortcomings, enthusiasms, and aggressions of our history, tolerance toward other nations be practiced. The volume provides a stimulating interpretation of the well-known facts of history in a clear and readable style.—NORMAN L. HILL.

Current interest in contemporary world affairs has brought forth recently a spate of books designed less for the specialist than for the interested layman. Of these, the newest, and one of the least satisfactory, is *Foreign Affairs, 1919–1937* (Macmillan Co., pp. xvii, 347, $2.50), by E. L. Hasluck. The author is English and, since he has adhered strictly to the title, the book contains no mention of any portion of the British Empire in post-war affairs. This arrangement may be logical, but it is scarcely desirable, particularly for the American edition. In matter of fact, the title itself is somewhat misleading, for the book consists of separate sections on the recent history, internal as well as external, of every country outside the Empire. This pedestrian method of treatment, if indeed it is a method, produces inevitable duplication and a considerable amount of confusion. Moreover, the author has seldom been able to compress his historical account in such a way as to retain essentials and eliminate trivialities. Thus, in the section on the United States, separate paragraphs are devoted to the Tennessee "monkey trial" and the Ku Klux Klan, while the TVA is dismissed in this almost masterfully inaccurate sentence: "A unique experiment in industrial reorganization was carried out in Tennessee, where a large area was planned for industrial development, unprofitable farms being put entirely out of cultivation, and new factories being constructed at appropriate sites." In general, it may be said that, while the book has some reference value, it would have been decidedly better if the author had limited his attention to some of

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the major international problems and trends of the past two decades. The remainder of his material is easily available in any standard encyclopaedia, or even the *World Almanac*.—GRAYSON L. KIRK.

The *laissez-faire* conditions of international trade have been altered considerably by the operations of international raw materials cartels. Why such cartels are formed, what the economic results are, and how they affect production, prices, and the marketing of raw materials is the subject-matter of William Oualid's monograph *International Raw Materials Cartels* (International Institute of Intellectual Coöperation, pp. 54). It has been charged that cartels have placed consumers on rations and fixed prices, and have discriminated between purchasers of different importance and nationality. Oualid briefly surveys a number of industries in which cartels have been active in order to determine whether such charges are true. In general, he finds that there has not been any systematic creation of scarcity of basic products controlled by cartels; prices have in some instances been raised sharply, though not maintained at high levels consistently; and other factors are probably more responsible for whatever discrimination among consumers exists than the actions of the cartels. Oualid's conclusion is that international raw materials cartels have probably caused fewer ills than have been charged to their account. He believes, however, that they should be subject to the control and discipline of national and international public authorities.—NATHAN L. SILVERSTEIN.

In these anxious days of concern over Czechoslovakia, China, and Spain, the Wal Wal arbitration perhaps seems like something antediluvian, but it was none the less an important affair in the sequence of tragic events since 1931, and Pitman B. Potter, in *The Wal Wal Arbitration* (Carnegie Endowment for International Peace, pp. 182), has produced a useful and stimulating history and examination of that particular effort toward international peaceful settlement. Of especial interest are his conclusions as to the lessons to be drawn from the case. The arbitration treaty of 1928 contained confusing phraseology, so that it was not clear whether the procedure was to be one of arbitration or of conciliation. The treaty further was silent on the subject of the nationality of the arbitrators. These omissions, plus the absence of a formal *compromis*, the inability of the commission to take into account the juridical status of the Wal Wal region, the uncertainty as to the commission's place of meeting, and the not always helpful intervention of the League of Nations Council greatly hampered the proceedings. The author makes plain his own conviction that Wal Wal lay well within the territorial limits of Ethiopia. Professor Potter's absorbing, careful, and measured analysis occupies the first thirty-three pages of the volume, and then

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follow appendices, extremely valuable, containing a complete record of the arbitration from Article V of the 1928 convention to the decision of the commission on September 3, 1935.—Payson S. Wild.

Students of the growth of Jugoslav unity, its ideological and political foundation, and the rôle of Italian foreign policy in this process will find interesting and valuable material in the recent book of Count Carlo Sforza, *Pachitch et l'Union des Yougoslaves* (Paris: Gallimard, pp. 253). As a former diplomat in responsible positions, Count Sforza has followed with particular interest the development of the new nation-state, the more so because it has always been clear to him that the Jugoslav problem constituted the heel of Achilles for the Austro-Hungarian monarchy, which he regarded, in accordance with the policy of the Italian Risorgimento, as the chief enemy of Italy and of a better international order. He was in intimate personal contact with the leaders of Jugoslav unification, among whom he attributes to the remarkable personality of Nikola Pachitch a position that is not second to Cavour's in the building of the Italian nation-state. In his usual unpretentious manner, mostly on the basis of his personal observations and conversations, Count Sforza gives us an extremely vivid picture of the man and his accomplishment. He accuses Mussolini of having frustrated a policy of coöperation between Italy, Jugoslavia, and the other Balkan nations, which could have been the only real bulwark against the southeastern imperialistic expansion of Germany. The whole book is a charmingly human document of both the hero and the author, who can be regarded as the last diplomatic representative of Mazzini's school.—Oscar Jászi.

Present international tension has made more pointed the question of whether the existing international economic disequilibria can be reduced by a process of peaceful change. In his monograph *Markets and the Problem of Peaceful Change* (International Institute of Intellectual Coöperation, pp. 63), J. B. Condliffe undertakes a consideration of the factors hampering a restoration of international trade and interfering with the processes of peaceful change that would result from a greater freedom in the flow of goods between countries. Professor Condliffe has ably sketched the prevailing unbalanced world-economic conditions, indicating the cumbersome systems of trade restrictions that have been erected and the monetary breakdown which has interfered with the international flow of goods. He rightfully believes "that the difficult economic situation of countries which at present cannot readily obtain the export markets or the means with which to purchase necessary raw materials can be effectively relieved only by agreement to restore international coöperation." The accomplishment of such coöperation is the crux of the problem

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of peaceful change. It can be accomplished only, says Professor Condliffe, by a prior political understanding.—NATHAN L. SILVERSTEIN.

In his *Sino-Japanese Warfare and the League of Nations* (Geneva Research Centre, pp. 93), Edward S. Rubinow presents a factual survey of Sino-Japanese relations since 1934 and the attempts made by various international agencies to achieve an amicable solution of their problems. As a chronological outline of events concerning the Far East, especially since the Lukouchiao incident of July 7, 1937, the study will be convenient for students of Japanese power politics and of League diplomacy. However, no attempt is made to treat the material in any critical or analytical way. The chief conclusion to be drawn from the study can be found in the preface, written by Malcolm W. Davis. Referring to the abortive Brussels Conference, where the resolution drafted was even weaker than that adopted earlier by the League Assembly, Mr. Davis declares that "an experiment with extra-League methods, like the earlier experiment with intra-League methods, had proved once more that the efficacy of law is measured by the will to put it into practice." Though not original, the truth of the observation daily becomes more apparent.—VERNON A. O'ROURKE.

Japan: The Hungry Guest (E. P. Dutton and Co., pp. 261, $3.00), by G. C. Allen, is a somewhat superficial book by a former teacher in the Government College at Nagoya. Its survey of recent political events is short and fairly accurate, although offering little that is new to English readers, since it is based on such accessible sources as the daily *Japan Chronicle* and the quarterly *Contemporary Japan*. The treatment of economic conditions is disappointing. The author fails to show how in recent years Japan has passed from the stage of *sangyo gorika* (rationalization of industry) into the state of *sangyo tosei* (controlled or planned economy), and again from the *junsenji-keizai* (preparedness-for-war economy) into the present *senji-keisai* (war-time economy). The chief fault of the book is that it is based upon English sources and almost entirely ignores a wealth of Japanese sources.—KENNETH COLEGROVE.

Mr. A. O. Sarkissian belongs to that growing number of our descendants of the "new" immigrants who are enriching our scholarship by their ability to study the materials in the languages of their forefathers. In his *History of the Armenian Question to 1885* (University of Illinois Press, pp. 151, $1.50), he has utilized not only Armenian but also French, German, and Russian works, and has brought together an extraordinary amount of material relating to the Armenian question as an aspect of European diplomacy in Europe and in the Near East. Whatever weaknesses there are in the book arise from the fact that it is a doctoral thesis,

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crammed with so many facts that it reads like a telephone directory. Though certainly not an inspired writer, the author is an honest one, and, within his limits, a respectable historical craftsman.—J. S. ROUCEK.

In a patient and watchful labor of love, George Grafton Wilson has edited every letter and comma of Dana's edition of Henry Wheaton's *Elements of International Law* (Carnegie Endowment for International Peace, Division of International Law, pp. 642, $4.00). His aims have been to give us with precision every word of Wheaton and Dana, and to correct every slip, however minute, with the exact phrase, spelling, reference, or citation, as Wheaton and Dana would have wished. In this quiet restoration of a masterpiece, Professor Wilson does honor to himself, to his readers, and to the Harvard tradition in international law which he has done so much to keep alive and strengthen.—LLEWELLYN PFANKUCHEN.

POLITICAL THEORY AND MISCELLANEOUS

The expressed purpose of Allen H. Gilbert's *Machiavelli's Prince and Its Forerunners* (Duke University Press, pp. xiii, 266, $3.00) is "to make Machiavelli somewhat more useful to the present age by showing what he meant to his own day." The author attempts to give "something of the atmosphere in which *The Prince* was written by means of quotations from treatises having the same purpose as *The Prince*, books that may be assigned to the genus called *the prince* or *de regimine principum*." These quotations are not offered as "specifically" the sources of *The Prince*. The author is, however, evidently interested in discovering the extent to which Machiavelli, like other educated persons of his time, may have become familiar with the maxims of statecraft embodied in *The Prince* through reading the works of advice to monarchs then in circulation. In carrying out his main purpose, the writer has reached certain conclusions, stated on page two, some of them quite at variance with "older views still widely circulated." Of some of these one finds one's self convinced. About others one is left still in doubt, notably the opinion that "Machiavelli's first interest was the good of the people of Italy." The author admits that the idea of the common good is expressed only in the last chapter of *The Prince*, but declares that it is implied throughout that work. Supporting quotations are found also in the *Discorsi* and the *Istorie Fiorentine*. Yet important inconsistencies in this respect between *The Prince* and Machiavelli's other works remain, and Machiavelli's ultimate objective is far from obvious. The method employed in this book is to follow *The Prince* chapter by chapter, rather than to arrange the material topically. There are adequate cross references, and an excellent bibliography and index. In each case the pertinent quotation is inserted in its original language in the main text, with an English translation in

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a footnote. In the reviewer's opinion, a reversal of this arrangement would have rendered the book more generally useful without detriment to its genuinely scholarly character. Despite the translations in the footnotes, the mass of quotations in various languages in the text itself is confusing, and might easily discourage one not versed in many tongues. A vast quantity of material has here been brought together into a significant chapter in the history of political thought. *The Prince* appears as typical rather than unique in the doctrines that it puts forth, yet as the greatest representative of the type. Though typical, it is also not devoid of originality. Its originality, the author says, "may be summed up in his [Machiavelli's] conviction that government is an independent art in an imperfect world; it is practical, and the only true theory is that derived from and returning to practice."—ELLEN DEBORAH ELLIS.

Most analyses of internal migration in the United States start from the assumption that nearly all migration in American history has been prompted by the spirit of adventure seeking opportunity in new regions and the desire to abandon depressed conditions. In her compact monograph, *Cityward Migration: Swedish Data* (University of Chicago Press, pp. xix, 140, $2.00), Miss Jane Moore grants that the underlying causation of internal migration is population pressure plus economic push and pull, but brings out that there are still two phases of migration that do not fall into this demographic and economic framework, but are strictly sociological. Within the boundaries of a country, from what type of community to what other types of community do migrants move? What rôle does their past environment play in aiding adjustment to the new residence? Miss Moore's book is divided into two parts, dealing, respectively, with the process of migration to Stockholm and a comparison of adjustment of migrants to Stockholm. Concise text and forty-five tables confirm her hypothesis that people tend to migrate between communities resembling one another in degree of industrial development and demonstrate that the status of persons residing in a city who had migrated differs according to the type of community in which they were born. Miss Moore's study shows that when the community of birth and the last place of residence of migrants to a city have been classified on a common basis, cityward migration reveals certain regularities predictable on sociological principles concerning the effect of environment on behavior, and gives validity to these principles for predictions as to the process of social change in other fields. This thoroughgoing analysis was made possible by the inclusion for the first time in the 1930 decennial census of Sweden of a question on the last place of residence previous to the 1930 residence. While her treatise is restricted to migrants from one Swedish county who were living in Stockholm in 1930, it reveals exact

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and reliable knowledge about the general pattern of migration not known before. Therefore, as Professor W. F. Ogburn remarks in his foreword to Miss Moore's book, it will be useful for the sociology of population and will also be of practical value in the further scientific study of the subject in the United States.—Eric Cyril Bellquist.

In his *Readings in Jurisprudence* (Bobbs-Merrill Co., pp. 1183, $7.50), Professor Jerome Hall has selected, edited, and arranged a collection of materials of great value not only to the student of law and government but to the social scientist in general. For while the materials have been arranged primarily to facilitate analysis of jurisprudential problems, an attempt has been made also to integrate jurisprudence in each of its principal divisions with relevant general fields of philosophic and scientific thought as well. This attempt has been quite successful, and the twenty-five closely packed chapters contain excerpts from the thought of many ages concerning the processes of law and government. Indeed there are over two hundred such excerpts, taken from over one hundred and sixty thinkers on the legal problem from Plato to Pareto and beyond. Organizationally, the book is divided into three parts. Part one, which is concerned with the Philosophy of Law, contains eight chapters on such subjects as natural law, historical jurisprudence, transcendental idealism, utilitarianism, social functionalism, pragmatism, and the conflict between empiricism and idealism. Part two is concerned with Analytical Jurisprudence and devotes seven chapters to such subjects as logic and law, the nature of law, etc. Part three is concerned with Law and Social Science and devotes attention to such subjects as science and scientific method, the nature of social science, primitive law, law and custom, social and legal institutions, the judicial process, and methods of research. The book, which also contains a table of authors, a table of cases, and an index, should prove very useful to the student of juristic problems.—Francis R. Aumann.

An intelligent and effective approach to general economic planning is presented in *The Middle Way; A Study of the Problem of Economic and Social Progress in a Free and Democratic Society* (Macmillan and Co., pp. 382, $2.50), by Harold Macmillan, M.P. Mr. Macmillan holds that, in Great Britain, neither communism nor fascism is either feasible or desirable; that a mixed economy, partially subjected to coördinated general planning, partially a supervised, relatively free private enterprise, is both possible and necessary; that increased government intervention is inevitable; and that such intervention should be rationalized in the interest of commonly held goals. He sets forth in a persuasive fashion both the theory and the practical aspects of his proposals. The key ideas are: that the solution must be based on an increase in production; that

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this is to be achieved by business and government accepting the responsibility for eliminating waste, redundancy, and irrational organization in industry; that the starting point is with those standard types of products where there is a small amount of consumers' choice—milk, bread, eggs, potatoes, etc., and public utility services; that items in which there is a wide consumers' choice should be left to supervised private enterprise. The author examines the present status of government intervention in Great Britain as to both object and method of organization, and outlines in some detail his proposals for projecting a coördinated form of this intervention into the fields and toward the objectives which he feels represent sound public policy.—HARVEY PINNEY.

Edward M. Bassett's *The Master Plan* (Russell Sage Foundation, pp. 151, $2.00) is a book whose leanly stated principles issue from long experience, illustrated by succinct comment on eleven planning acts and charters. The text: "It is a mistake to include in a master plan subjects which are no part of a community plan that affects land areas . . . If a master plan needs to be adopted by a local legislative body, it becomes something different from the plastic instrument that it should be." *Premature Subdivision and Its Consequences* (Institute of Public Administration, pp. xxi, 346), by Philip H. Cornick, is a study made for the State Planning Council of New York. Its thesis that taxpayers subsidize subdividers is amply demonstrated. Subdividers sell lots; taxpayers provide streets, lights, and schools; the lots become tax delinquent; other taxpayers foot the bill. The "assumed case" describing this process (pp. 159–169) is a little gem. Mr. Cornick would restrain the subdividers by requiring them to build their own streets in advance of dedication (as in Cincinnati), by prohibiting "real estate aid" bond issues, by "blue sky" laws for lot-buyers, and by zoning. Perhaps American cities will some day promote their own subdivisions, a suggestion discussed by Mr. Cornick elsewhere.—LLEWELLYN PFANKUCHEN.

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RECENT PUBLICATIONS OF POLITICAL INTEREST
BOOKS AND PERIODICALS

CLYDE F. SNIDER
University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

Books

Aiken, George D. Speaking from Vermont. Pp. 248. N.Y.: Stokes. 1938.

Altman, George T. Introduction to federal taxation (1938 act). 2nd ed. Pp. 256. Chicago: Commerce Clearing House. 1938.

Anderson, William. American government. Pp. 1087. N.Y.: Holt. 1938.

Andrews, John B. Labor laws in action. Pp. 261. N.Y.: Harper. 1938.

Beard, Charles A. The supreme court and the constitution. Library ed. Pp. 134. N.Y.: Paisley Press. 1938.

Behling, Burton N. Competition and monopoly in public utility industries. Pp. 187. Urbana (Ill.): Univ. of Ill. Press. 1938.

Buck, Arthur E. The reorganization of state governments in the United States. Pp. 307. N.Y.: Columbia Univ. Press. 1938.

Burns, Edward McNall. James Madison, philosopher of the constitution. Pp. 222. New Brunswick (N.J.): Rutgers Univ. Press. 1938.

Clark, Jane P. The rise of a new federalism; federal-state coöperation in the United States. Pp. 365. N.Y.: Columbia Univ. Press. 1938.

Connery, Robert H. The administration of an N.R.A. code. Pp. 226. Chicago: Pub. Admin. Service. 1938.

Einaudi, Mario. The physiocratic doctrine of judicial control. Pp. 107. Cambridge (Mass.): Harvard Univ. Press. 1938.

Exner, Adolf. Die Entscheidungsgewalt des amerikanischen obersten Bundesgerichts in Streitigkeiten der Einzelstaaten. Pp. 98. Leipzig: Meiner. 1938.

Factual history of the federal government, 1938. Pp. 143. Wash.: Cong. Intelligencer. 1938.

Horwitz, James W. The risk of unemployment and its effect on unemployment compensation. Pp. 87. Boston: Harvard Univ., Grad. School of Bus. Admin. 1938.

Isakoff, Jack F. The public works administration. Pp. 166. Urbana (Ill.): Univ. of Ill. Press. 1938.

Knox, Franklin. "We planned it that way." Pp. 90. N.Y.: Longmans. 1938.

Landis, James M. The administrative process. Pp. 160. New Haven (Conn.): Yale Univ. Press. 1938.

Lentz, Gilbert G. The enforcement of the orders of state public service commissions. Pp. 15. Urbana (Ill.): Univ. of Ill. 1938.

McDiarmid, John. Government corporations and federal funds. Pp. 264. Chicago: Univ. of Chicago Press. 1938.

McKean, Dayton D. Pressures on the legislature of New Jersey. Pp. 251. N.Y.: Columbia Univ. Press. 1938.

Macneil, Douglas H. Seven years of unemployment relief in New Jersey, 1930–1936; a report prepared for the committee on social security. Pp. 319. N.Y.: Soc. Sci. Research Council. 1938.

Magil, Abraham B., and *Stevens, Henry.* The peril of fascism; the crisis of American democracy. Pp. 319. N.Y.: Int. Pubs. 1938.

Odegard, Peter H., and *Helms, E. Allen.* American politics; a study in political dynamics. Pp. 893. N.Y.: Harper. 1938.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Paris, James D. Monetary policies of the United States, 1932–1938. Pp. 198. N.Y.: Columbia Univ. Press. 1938.

Personnel administration and procedure, as installed in the Indiana department of public welfare and unemployment compensation division. Pp. 90. Chicago: Pub. Admin. Service. 1938.

Ragan, Allen E. Chief Justice Taft. Pp. 148. Columbus (Ohio): State Archaeological and Historical Soc., Ohio State Museum. 1938.

Stewart, Bryce M., and *Others.* Planning and administration of unemployment compensation in the United States. Pp. 677. N.Y.: Indus. Rels. Counselors. 1938.

Stoddard, Henry L. It costs to be president. Pp. 353. N.Y.: Harper. 1938.

Taggart, Joseph H. The federal reserve bank of Boston. Pp. 295. Cambridge (Mass.): Bankers Pub. Co. 1938.

Tinley, J. M. Public regulation of milk marketing in California. Pp. 224. Berkeley (Calif.): Univ. of Calif. Press. 1938.

Woodbury, Coleman, ed. Housing yearbook, 1938. Pp. 325. Chicago: Nat. Assoc. of Housing Officials. 1938.

Woytinsky, W. S. Labor in the United States; basic statistics for social security. Pp. 355. N.Y.: Soc. Sci. Research Council. 1938.

Zeis, Paul M. American shipping policy. Pp. 261. Princeton (N.J.): Princeton Univ. Press. 1938.

Articles

Administration. Organization of the executive branch of the national government of the United States. *L. F. Schmeckebier.* Am. Pol. Sci. Rev. Oct., 1938.

Administrative Law. The Morgan case; the supreme court on procedure in administrative adjudication. *W. Robert Ming, Jr.* Jour. of Land and Pub. Util. Econ. Aug., 1938.

———. The extent to which fact-finding boards should be bound by rules of evidence. *Albert E. Stephan.* Am. Bar Assoc. Jour. Aug., 1938.

———. May either a state or Congress vest in an administrative tribunal the conclusive determination of a question of law? *J. Warren Manuel.* Calif. Law Rev. Sept., 1938.

———. Some recent proposals in the sphere of administrative justice. *Kenneth C. Cole.* Am. Pol. Sci. Rev. Oct., 1938.

———. Administrative justice. *A. H. Feller.* Survey Graphic. Oct., 1938.

Agriculture. L'amodiation des terres aux États-Unis. *H. W. Spiegel.* Rev. Pol. et Parl. Aug., 1938.

Army. Organization for internal control and coördination in the United States army. *John H. Marion.* Am. Pol. Sci. Rev. Oct., 1938.

Aviation. The civil aëronautics act of 1938. *Clinton M. Hester.* Jour. of Air Law. July, 1938.

Banking. What the bank examination must accomplish. *Marshall R. Diggs.* Bankers' Mag. Sept., 1938.

Bankruptcy. Corporate reorganization under the Chandler act. U. S. Law Rev. July, 1938.

———. Significant changes relating to corporate reorganizations in bankruptcy. *Reuben G. Hunt.* Calif. State Bar Jour. Sept., 1938.

———. Symposium on the Chandler act. *Paul H. King* and *Others.* Commercial Law Jour. Sept., 1938.

———. Corporate reorganization under the Chandler bankruptcy act. *Emmet McCaffery.* Calif. Law Rev. Sept., 1938.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Civil Service. Arkansas tries the merit system. *Estal E. Sparlin.* Nat. Mun. Rev. Sept., 1938.

———. Internes in government. *Webb Waldron.* Survey Graphic. Sept., 1938.

———. Selecting social workers for federal service. *Elizabeth Cosgrove.* Social Service Rev. Sept., 1938.

———. Positions and rates of pay in public health agencies. *Anthony J. Borowski.* Am. Jour. of Pub. Health. Oct., 1938.

Communist Party. For a correct approach to the problems of the national groups. *Irene Browder.* The communist party and the professionals. *William Z. Foster.* Rooting the party among the masses in New York. *Max Steinberg.* Our next tasks in party education. *A. Landy.* Communist. Sept., 1938.

Conservation. The soil conservation districts law of Oklahoma. *Lippert S. Ellis.* Southwestern Soc. Sci. Quar. Sept., 1938.

Constitution. The act of constitutional interpretation. *Charles A. Beard.* Nat. Lawyers' Guild Quar. Dec., 1937.

———. Use by the United States supreme court of extrinsic aids in constitutional construction, III. *Jacobus ten Broek.* Calif. Law Rev. Sept., 1938.

———. Justice Holmes defines the constitution. *Felix Frankfurter.* Atlan. Mo. Oct., 1938.

Debt. The uncertain outlook for long-term government securities. *A. Philip Woolfson.* Bankers' Mag. Aug., 1938.

Elections. The election struggle in California. *William Schneiderman.* The elections in Pennsylvania. *Carl Reeve.* The election campaign in Minnesota. *Nat Ross.* Political forces and issues. Communist. Oct., 1938.

Farm Tenancy. Texas farm tenure activities. *C. Horace Hamilton.* Jour. of Land and Pub. Util. Econ. Aug., 1938.

Federal-State Relations. Seven keys to federal-state coöperation. *Louis W. Koenig.* State Govt. Sept., 1938.

———. Some observations on the federal audit. *Robert T. Lansdale.* Social Service Rev. Sept., 1938.

Gambling. "Bank night" goes to court. *James F. Thornburg.* Ind. Law Jour. Aug., 1938.

General Welfare Clause. Recent decisions on the power to spend for the general welfare. *Vincent D. Nicholson.* Temple Law Quar. July, 1938.

———. General welfare and industrial prosperity. *Robert H. Jackson.* Ill. Mun. Rev. Oct., 1938.

Government Corporations. Government corporations in the United States. *C. Herman Pritchett.* Southwestern Soc. Sci. Quar. Sept., 1938.

Government Ownership. North Dakota state hail insurance, 1911–36. *Gilbert W. Cooke.* Jour. of Business. July, 1938.

———. The North Dakota rural credit system. *Gilbert W. Cooke.* Jour. of Land and Pub. Util. Econ. Aug., 1938.

———. Should the government take over investment banking? *A. Philip Woolfson.* Bankers' Mag. Sept., 1938.

———. Will the mines be taken? *Herbert Corey.* Pub. Util. Fort. Sept. 1, 1938.

Hawaii. Hawaii counts the cost. *Joseph Barber, Jr.* Atlan. Mo. Oct., 1938.

———. Hawaii, racial problem and naval base. *George H. Blakeslee.* For. Affairs. Oct., 1938.

Health. The worker's stake in a national health program. *Josephine Roche.* Am. Labor Legis. Rev. Sept., 1938.

———. A critical discussion of some methods and standards for certified milk.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

J. Howard Brown. A more effective school health program. *John T. Phair.* Am. Jour. of Pub. Health. Sept., 1938.

———. The unserved millions. *Helen Hall* and *Paul Kellogg.* Survey Graphic. Sept., 1938.

———. Is your milk safe? *A. S. Campbell.* Forum. Oct., 1938.

———. Health; a political football? *Joseph F. Thorning.* Catholic World. Oct., 1938.

Housing. The house that Franklin built. *John H. Cover.* "Low-cost housing"; 1938 model. *Basil Stockbridge.* Jour. of Land and Pub. Util. Econ. Aug., 1938.

———. The Smiths are building a home. *Marc A. Rose.* Forum. Oct., 1938.

Initiative and Referendum. John Randolph Haynes and his work for direct government. *Winston W. Crouch.* Nat. Mun. Rev. Sept., 1938.

Insurance. The insurance director in Illinois. *Fred W. Netto.* Chicago-Kent Rev. June, 1938.

Interstate Relations. The diversion of interstate waters in the United States. *James Simsarian.* Am. Pol. Sci. Rev. Oct., 1938.

Judiciary. Swift v. Tyson; ninety-six years later. *J. E. L.* and *C. G. M.* Temple Law Quar. July, 1938.

———. The rise and fall of Swift v. Tyson. *Robert H. Jackson.* Am. Bar Assoc. Jour. Aug., 1938.

———. Swift v. Tyson overruled. *Erle A. Kightlinger.* Ind. Law Jour. Aug., 1938.

Labor. Management, too, must be responsible. *Robert M. La Follette, Jr.* Nat. Lawyers' Guild Quar. Dec., 1937.

———. It happened in Harlan. *I. F. Stone.* Current Hist. Sept., 1938.

———. Maritime labour in the United States, I and II. *Elmo P. Hohman.* Int. Labour Rev. Aug., Sept., 1938.

———. Defeat the foes of labor unity! *Roy Hudson.* Communist. Oct., 1938.

———. Labor at the ballot-box. *Beulah Amidon.* Survey Graphic. Oct., 1938.

———. Democracy is bread. *Jonathan Daniels.* Va. Quar. Rev. Autumn, 1938.

———. **Fair Labor Standards Act.** Administering "fair labor standards." *Harry Weiss.* Am. Labor Legis. Rev. Sept., 1938.

———. **Labor Relations Act.** The national labor relations board faces A. F. of L.-C. I. O. rivalry. *Editors of the Monthly Bulletin of the International Juridical Association.* Proposed amendments of the national labor relations act. *Joseph Rosenfarb.* Nat. Lawyers' Guild Quar. Dec., 1937, March, 1938.

———. Employee elections conducted by national labor relations board. *Emily Marks* and *Mary Bartlett.* Monthly Labor Rev. July, 1938.

———. Toward a national labor policy. *George W. Taylor.* Atlan. Mo. Sept., 1938.

———. **Minimum-Wage Laws.** The course of minimum wage legislation in the United States. *Alice S. Cheyney.* Int. Labour Rev. July, 1938.

———. **Prison Labor.** Prison labor in 1936. *Edward P. Sanford.* Monthly Labor Rev. Aug., 1938.

Lieutenant-Governor. The office of lieutenant-governor in the states. *Warren R. Isom.* Am. Pol. Sci. Rev. Oct., 1938.

Monopoly and Competition. Trade association reporting under the anti-trust laws. *B. S. Kirsh* and *H. R. Shapiro.* U. S. Law Rev. Aug., 1938.

———. Comments on the Robinson-Patman act. *James E. Wheeler.* Conn. Bar Jour. July, 1938.

———. Competition in the rubber-tire industry. *Lloyd G. Reynolds.* Am. Econ. Rev. Sept., 1938.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

———. O'Mahoney wants facts—not scalps. *Herbert Corey.* A year of retail price control. *Reinhold Wolff.* Nation's Business. Sept., Oct., 1938.

Primaries. The new deal in the primaries. *H. U. Faulkner.* Events. Oct., 1938.

———. Roosevelt tries the primaries. *Raymond Clapper.* Current Hist. Oct., 1938.

———. What flows from the "purge"? *Symposium.* Cong. Digest. Oct., 1938.

Public Relations. How much federal publicity is there? *Cedric Larson.* Pub. Opinion Quar. Oct., 1938.

Public Utilities. Prudent investment, fair value, and public utility regulation. *Harry R. Booth.* Nat. Lawyers' Guild Quar. June, 1938.

———. Index numbers and public utility property valuation (concluded). *Frank A. Mancina.* Jour. of Business. July, 1938.

———. Obsolescence of public utility property, I. *C. Emery Troxel.* Jour. of Land and Pub. Util. Econ. Aug., 1938.

———. Public utility securities at private sale. *John F. Childs.* "Prudent investment" in the bay state. *Elliott Earl.* Uncle Sam moves in on the gas industry. *Francis X. Welch.* What is a fair price to pay for a utility plant? *Ernest C. Potts.* Pub. Util. Fort. Aug. 18, Sept. 1, 1938.

———. Public ownership and the national power policy. *James C. Bonbright.* Yale Rev. Autumn, 1938.

Radio. Radio and government. *Robert J. Landry.* Pub. Opinion Quar. Oct., 1938.

Railroads. The horizon for the investor in rails. *Fergus J. McDiarmid.* Pub. Util. Fort. Sept. 15, 1938.

———. The railroad problem and how it might be solved. *Lawrence Whitefield.* Bankers' Mag. Oct., 1938.

———. Government-owned railroads. *O. G. Villard.* Am. Mercury. Oct., 1938.

Roosevelt Administration. For a national policy; individual action or planned economy? *Herbert G. Smith.* Bankers' Mag. Aug., 1938.

———. Wall street and Washington. Round Table. Sept., 1938.

———. An Englishman looks at the states. *Graham Hutton.* Atlan. Mo. Sept., 1938.

———. Report on America, I and II. *Editorial.* Am. Mercury. Sept., Oct., 1938.

———. President Roosevelt faces the storm. *S. K. Ratcliffe.* Contemp. Rev. Sept., 1938.

———. Patronage and the new deal. Taking the raps. *James A. Farley.* Am. Mag. Sept., Oct., 1938.

———. The president's political strategy. *Walter Millis.* Yale Rev. Autumn, 1938.

Rural Electrification. Municipal participation in rural electrification. *Israel Packel.* Temple Law Quar. July, 1938.

———. Rural electrification in Kansas. *Steadman Ball.* Jour. Bar Assoc. of Kan. Aug., 1938.

———. Electric coöperatives scan wholesale power rates. *W. C. Adams.* Pub. Util. Fort. Sept. 15, 1938.

Securities Regulation. Accounting in the regulation of security sales. *George C. Mathews.* Accounting Rev. Sept., 1938.

Separation of Powers. Drift to dictatorship; a remedy. *Tompkins McIlwaine.* No. Am. Rev. Autumn, 1938.

Social Security. A step in the dark. *Herbert Corey.* Pub. Util. Fort. Sept. 29, 1938.

———. Insuring the future; the burden of old-age security. *M. Albert Linton.* Atlan. Mo. Oct., 1938.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

State Legislatures. Procedural limitations on the Texas legislature. *Joseph M. Ray.* Southwestern Soc. Sci. Quar. Sept., 1938.

———. Do legislators think like judges? *Frank E. Horack, Jr.* State Govt. Sept., 1938.

Suffrage. Restrictions on voting in the United States. *Osmond K. Fraenkel.* Nat. Lawyers' Guild Quar. Mar., 1938.

———. Absentee voting in the United States. *Paul G. Steinbicker.* Am. Pol. Sci. Rev. Oct., 1938.

———. The pauper vote. *Cal Lewis.* No. Am. Rev. Autumn, 1938.

Supreme Court. Mr. Justice Black. *Harold C. Havighurst.* Nat. Lawyers' Guild Quar. June, 1938.

Taxation. Economizing on death rates. *Charles M. Lyman.* Conn. Bar Jour. July, 1938.

———. Amending the definition of assessed value. *M. G. Toepel.* Tex. Municipalities. Aug., 1938.

———. The revenue act of 1938. *Roy G. Blakey* and *Gladys C. Blakey.* Am. Econ. Rev. Sept., 1938.

———. The revenue act of 1938. *Gerhard Colm.* Social Research. Sept., 1938.

———. Shall municipal salaries and bonds be taxed? *C. W. Ham.* Kan. Govt. Jour. Sept., 1938.

———. The effects of the social security taxes upon business. *T. C. Root.* Southwestern Soc. Sci. Quar. Sept., 1938.

———. Selected features of the revenue act of 1938. *Joseph J. Klein.* The special taxation of corporate business. *Murray Janis.* Recent Kentucky tax legislation and the farmer. *James W. Martin.* State taxation faces the future. *Henry F. Long.* Federal taxes as a menace to state sovereignty. *Scoville Hamlin.* Possibilities of the state personal income tax. *Paul J. Strayer.* Tax Mag. Sept., Oct., 1938.

———. They've got taxes by the tail. *James Street.* Am. Mag. Oct., 1938.

———. The supreme court and tax-exempt income. *Bernhard Knollenberg.* Harper's. Oct., 1938.

———. Proposed changes in the federal revenue law. *American Institute of Accountants Committee on Federal Taxation.* Jour. of Accountancy. Oct., 1938.

T.V.A. Three men in a valley. Banner on a yardstick. Diagram for democracy. *Jonathan Daniels.* New Repub. Aug. 17, 24, 31, 1938.

———. Morgan and Morgan and Lilienthal. *Willson Whitman.* Harper's. Sept., 1938.

Unemployment Compensation. Should unemployment compensation be based on earnings or need? *Smith Simpson.* Am. Labor Legis. Rev. Sept., 1938.

Welfare. Current concepts in social case-work practice. *Fern Lowry.* The administration of public assistance in Massachusetts. *William Haber* and *H. M. Somers.* Public welfare and the referendum in Michigan. *Arthur Dunham.* Social Service Rev. Sept., 1938.

Workmen's Compensation. Adequacy of benefit payments under workmen's compensation. *Marshall Dawson.* Workmen's compensation in the United States, as of July 1, 1938. Monthly Labor Rev. Sept., 1938.

———. States protect workmen from occupational hazards. *Arthur H. Reede.* State Govt. Sept., 1938.

———. Oklahoma constitution denies justice in fatal accident cases. *L. B. Moore.* Am. Labor Legis. Rev. Sept., 1938.

W.P.A. W.P.A.—the modern Tammany. *Albert J. Nock.* Am. Mercury. Oct., 1938.

———. The white collar chokes. *Grace Adams.* Harper's. Oct., 1938.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

FOREIGN AND COMPARATIVE GOVERNMENT

Books

British Association. Britain in recovery. Pp. 474. London: Pitman. 1938.

Childs, Marquis W. This is democracy; collective bargaining in Scandinavia. Pp. 186. New Haven (Conn.): Yale Univ. Press. 1938.

Childs, Marquis W. Sweden, the middle way. Rev. ed. Pp. 184. New Haven (Conn.): Yale Univ. Press. 1938.

Coates, W. P. and *Zelka K.* From tsardom to the Stalin constitution. Pp. 320. London: Allen & Unwin. 1938.

Coffey, Diarmid. Douglas Hyde, president of Ireland. Pp. 152. London: Talbot Press. 1938.

Fraser. Walter I. R. An outline of constitutional law. Pp. 228. London: Hodge. 1938.

Harris, H. L. Australia's national interests and national policy. Pp. 155. London: Oxford Univ. Press. 1938.

Herbert, Basil. King Gustave of Sweden. Pp. 288. London: S. Paul. 1938.

Horstmann, Walter. Das öffentliche Interesse und seine Vertretung vor den Vertwaltungsgerichten. Pp. 48. Weende-Göttingen: Pieper. 1938.

Hubbard, Leonard E. Soviet trade and distribution. Pp. 394. N.Y.: Macmillan. 1938.

Inman, Samuel G. Democracy versus the totalitarian state in Latin America. Pp. 48. Phila.: Am. Acad. Pol. & Soc. Sci. 1938.

Keesing, Felix M. The Philippines; a nation in the making. Pp. 137. London: Oxford Univ. Press. 1938.

Lanzac, André de. Droit et pratique budgetaires de l'état français. Pp. 232. Paris: Dalloz. 1938.

Lee, John A. Socialism in New Zealand. Pp. 313. London: Werner Laurie. 1938.

Lend, Evelyn. The underground struggle in Germany. Pp. 64. N.Y.: League for Indus. Democ. 1938.

Liebmann, Wolfgang. Reichsjustiz und Landeskompetenzgerichtsbarkeit. Pp. 98. Leipzig: Rossberg. 1938.

Lübbers, Hermann. Die staatsrechtliche Stellung des Führers und Reichskanzlers. Pp. 69. Emden: Davids. 1938.

Moine, Pierre-Louis. Les taxes sur les spectacles publics. Pp. 180. Paris: Libr. technique et économique. 1938.

Montgomery, Arthur. How Sweden overcame the depression, 1930–1933. Pp. 91. N.Y.: Bonnier. 1938.

Morice, Bernard. Manuel pratique de l'état civil. Pp. 560. Paris: Vie communale et départementale. 1938.

The nazi primer; official handbook for schooling Hitler youth. Tr. by Harwood L. Childs. Pp. 317. N.Y.: Harper. 1938.

Pages, X. L'administration des ports en France. Pp. 172. Paris. Sirey. 1938.

Ponomarev, B., comp. The plot against the soviet union and world peace. Pp. 186. N.Y.: Workers Lib. Pubs. 1938.

Price, G. Ward. I know these dictators. Rev. ed. Pp. 268. London: Harrap. 1938.

Schuschnigg, Kurt. My Austria. Pp. 308. N.Y.: Knopf. 1938.

Silbert, Alfred. L'U.R.S.S. et la nouvelle Russie. Paris: Denoël. 1938.

Sombart, Werner. Le socialisme allemand. Pp. 368. Paris: Payot. 1938.

Swift, Stewart. Housing administration. 2nd ed. Pp. 484. London: Butterworth. 1938.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Young, A. Morgan. Imperial Japan, 1926–1938. Pp. 328. London: Allen & Unwin. 1938.

Articles

Administration. Administration of ports; an historical survey. *H. L. Beales.* Colonial and dominions office administration. *Sir Herbert Stanley.* The civil service and the judiciary. *C. F. Fraser.* Recruitment in the public service, with special reference to New South Wales public service. *T. H. Kewley.* Pub. Admin. Oct., 1938.

Australia. The safety-valve of the commonwealth constitution. *A. P. Canaway.* Australian Law Jour. Aug., 1938.

———. Peopling Australia's empty spaces. *Leslie Lewis.* Empire Rev. Sept., 1938.

———. A straight talk to Australia. *L. St. Clare Grondona.* Nine. Cent. Oct., 1938.

Balkans. The Balkan countries in brief. *F. Yeats-Brown.* Nine. Cent. Sept., 1938.

Belgium. Les institutions de crédit d'état pour les classes moyennes en Belgique. *L. Th. Léger.* Rev. Écon. Int. Aug., 1938.

British Empire. Annual survey of the literature of constitutional and administrative law and of empire history. *W. P. M. Kennedy.* Canadian Hist. Rev. Sept., 1938.

———. The Rhodesias and amalgamation. *S. H. Veats.* Nine. Cent. Sept., 1938.

Canada. Canadian policies and national unity. *R. S. Allen.* Empire Rev. Aug., 1938.

———. The critical problems of Canadian federalism. *Alexander Brady.* Am. Pol. Sci. Rev. Oct., 1938.

Chile. Fireworks in Chile. *John I. B. McCulloch.* Events. Oct., 1938.

Czechoslovakia. In Czechoslovakia today. *Henry Baerlein.* Empire Rev. Aug., 1938.

———. Eduard Beneš. *Carl J. Friedrich.* Atlan. Mo. Sept., 1938.

Delegation of Power. La délégation des pouvoirs législatifs. *Bool Chand.* Rev. Int. des Sciences Admin. July–Sept., 1938.

Egypt. Egypt; a new era. *E. W. Polson Newman.* Contemp. Rev. Oct., 1938.

Finance. La réforme fiscale en Egypte. *Umberto Ricci.* L'Egypte Contemp. May, 1938.

———. Le budget, la trésorerie, et la dette publique. Rev. Écon. Pol. May–June, 1938.

———. The administration of the Canadian income tax law. *C. Fraser Elliott.* Financial administration of the government of Canada. *W. C. Clark.* Canadian Jour. of Econ. and Pol. Sci. Aug., 1938.

———. That wonderful Swedish budget. Fortune. Sept., 1938.

———. Public finance in the Union of Soviet Socialist Republics, I and II. *Paul Haensel.* Tax Mag. Sept., Oct., 1938.

France. After the popular front. *Alexander Werth.* The conflict of generations in France. *Julien Benda.* For. Affairs. Oct., 1938.

Germany. Le parti national-socialiste, I and II. *Ph. de Montremy.* Rev. Pol. et Parl. Aug., Sept., 1938.

———. The national economy of Germany. *Thomas Balogh.* Econ. Jour. Sept., 1938.

———. The social honor courts of nazi Germany. *Nathan A. Pelcovits.* Pol. Sci. Quar. Sept., 1938.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

———. The nazi party rally at Nuremberg. *Thornton Sinclair.* Pub. Opinion Quar. Oct., 1938.

Government Corporations. Semi-independent authorities. *Friedrich Blach.* Survey Graphic. Sept., 1938.

India. A year of provincial autonomy. *Sri Ram Sharma.* Modern Rev. July, 1938.

———. Growing pains in India. Round Table. Sept., 1938.

———. Die politische Entwicklung Indiens. *H. G. Alexander.* Monatshefte f. Auswärtige Politik. Sept., 1938.

Ireland. Mr. de Valera's victory. Round Table. Sept., 1938.

———. Salute to Ireland. *W. H. Carter.* Atlan. Mo. Sept., 1938.

———. Text of the constitution of Éire (Ireland). Int. Concil. Oct., 1938.

Italy. Les controles d'ordre administratif et économique dans le corporatisme italien. *André-M. Hennebicq.* Rev. Écon. Int. Aug., 1938.

———. Mussolini's coat of many colors. *Gaudens Megaro.* Am. Mercury. Sept., 1938.

Japan. General Ugaki as foreign minister. *Tsunego Baba.* New national government. *Masamichi Royama.* Japan's home front. *Hideo Aragaki.* Contemp. Japan. Sept., 1938.

———. Japan's home front. *T. A. Bisson.* For. Policy Rep. Sept. 1, 1938.

Labor. Settlement of industrial disputes in Great Britain. Regulation of wages and hours in New Zealand. Employees' retirement systems in Great Britain. Industrial relations in the Netherlands. Monthly Labor Rev. July, Aug., 1938.

———. Conflicts of principle in wage regulation in New Zealand. *E. J. Riches.* Economica. Aug., 1938.

———. Danish coöperatives and unions. *Harry M. Lund.* Am. Federationist. Sept., 1938.

———. British curbs on labor unions. *H. P. Nash, Jr.* Events. Sept., 1938.

Mexico. Mexico's new economics. *A. B. Thomas.* Mexico's stand on oil. *J. S. Herzog.* As the companies see it. *W. E. McMahon.* Southwest Rev. July, 1938.

———. The policy of the Mexican government toward foreign property owners. *James M. Sheridan.* Calif. State Bar. Jour. Sept., 1938.

———. Cardenas of Mexico. *Hubert Herring.* Harper's. Oct., 1938.

———. Mexico in revolution. Fortune. Oct., 1938.

Money. La politique monétaire de la France depuis 1928. *Henry Hornbostel.* L'Egypte Contemp. Jan.–Feb., 1938.

———. L'expérience de la dévaluation en Suisse. *Victor Gautier.* Sciences Pol. Aug., 1938.

Monopoly and Competition. Resale price maintenance. *C. A. Curtis.* Canadian Jour. of Econ. and Pol. Sci. Aug., 1938.

Netherlands. Democracy the Dutch way. *Francis O. Wilcox.* Current Hist. Sept., 1938.

———. Wilhelmina regina. *Kees Van Hoek.* Atlan. Mo. Oct., 1938.

Newfoundland. Oligarchy in Newfoundland. *Thomas Lodge.* Fortnightly. Oct., 1938.

Parliamentary Government. L'adaptation du "gouvernement de cabinet" hors de son pays d'origine et spécialement en Egypte. *P. Dubois-Richard.* L'Egypte Contemp. May, 1938.

Parties. Die verfassungsrechtliche Gestaltung der Ein-Partei. *Gottfried Neesse.* Zeitschrift gesamte Staatswissenschaft. Vol. 98, no. 4. 1938.

Peru. South America's no. 1 tyranny. *Genaro Arbaiza.* Current Hist. Oct., 1938.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Planning. Government planning machinery. *Sir Henry Bunbury.* Pub. Admin. Oct., 1938.

Portugal. Portugal's new constitution. *A. C. Fernandez.* Modern Rev. July, 1938.

———. Portugal today. *Eric Wakeham.* Nine. Cent. Sept., 1938.

Rumania. Roumania today. *Gerhart Luetkens.* Int. Affairs. Sept.–Oct., 1938.

Russia. Stalin is Russia's worst czar. *William Henry Chamberlin.* Am. Mercury. Sept., 1938.

———. Soviet substitute for wall street. *John S. Curtiss.* Events. Sept., 1938.

Scandinavia. How the Scandinavians do it; three countries where labor rules democratically. *Marquis W. Childs.* Harper's. Sept., 1938.

———. Farmer-labor relations in Scandinavia. *Marquis W. Childs.* Yale Rev. Autumn, 1938.

Social Security. Introduction to the financial problem of social insurance. *Lucien Féraud.* Int. Labour Rev. July, 1938.

———. The German use of unemployment-insurance funds for works purposes. *E. B. Mittelman.* Jour. of Pol. Econ. Aug., 1938.

———. Sickness insurance in the soviet union. Monthly Labor Rev. Aug., 1938.

———. The Chilean preventive medicine act. *Eduardo C. Coke.* Social insurance in the U.S.S.R., 1933–1937. Workers' compulsory sickness insurance in Czechoslovakia, 1926–1937. Int. Labour Rev. Aug., 1938.

———. Administrative integration of unemployment insurance and relief in Great Britain. *Eveline M. Burns* and *Harry Malisoff.* Social Service Rev. Sept., 1938.

———. Chilean social laws, I. *Thomas A. Pace.* Am. Federationist. Sept., 1938.

South Africa. South Africa's 'special area.' *D. R. D'Ewes.* Nine. Cent. Sept., 1938.

Youth. Youth in the dictatorships. *James W. Miller.* Am. Pol. Sci. Rev. Oct., 1938.

INTERNATIONAL RELATIONS

Books

Albrecht-Corrie, René. Italy at the Paris peace conference. Pp. 575. London: Oxford Univ. Press. 1938.

America's share in Japan's war guilt. Pp. 80. N.Y.: Am. Committee for Non-Participation in Japanese Aggression. 1938.

Angell, Sir Norman, and *Others.* Geneva and the drift to war. Pp. 234. N.Y.: Oxford Univ. Press. 1938.

Arendt, Heinz-Carl. Die Anerkennung in der Staatenpraxis. Pp. 177. Berlin: F. Linke. 1938.

Atholl, Duchesse. Projecteurs sur l'Espagne. Pp. 350. Paris: Denoël. 1938.

Beals, Carleton. The coming struggle for Latin America. Pp. 401. Phila.: Lippincott. 1938.

Berber, Fritz, ed. Jahrbuch für auswärtige Politik. Pp. 516. Berlin: Gross. 1938.

Berner, Heinrich. Die panamerikanischen Friedenssicherungsverträge. Pp. 242. Berlin: Triltsch & Huther. 1938.

Bohemicus. Czechoslovakia and the sudete Germans. Pp. 102. Prague: Orbis. 1938.

British yearbook of international law, 1938. Pp. 316. London: Oxford Univ. Press. 1938.

Bruntz, George G. Allied propaganda and the collapse of the German empire in 1918. Pp. 259. Stanford Univ. (Calif.): Stanford Univ. Press. 1938.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Buehler, Ezra C., ed. British-American alliance. Pp. 397. N.Y.: Noble & Noble. 1938.

Churchill, Winston. While England slept; a survey of world affairs, 1932–1938. Pp. 416. N.Y.: Putnam. 1938.

Code, Joseph B. The Spanish war and lying propaganda. Pp. 48. N.Y.: Paulist Press. 1938.

Cohn, Georg. Neo-neutralitet. Pp. 463. Copenhagen: Gad. 1937.

Cornea,, Victor. What next in central Europe? Pp. 71. London: Shakespeare Head Press. 1938.

Crayen, Alexander Dietrich von. Die Vorbehalte im Völkerrecht. Pp. 100. Lucerne: Studer-Meyer. 1938.

Dempsey, John J., and *Joy, W. L.* Storms over the Danube. Pp. 288. London: Selwyn & Blount. 1938.

Ellsworth, P. T. International economics. Pp. 542. N.Y.: Macmillan. 1938.

Emmerich, H., and *Rothschild, John.* Die Rechtslage deutscher Staatgehöriger im Ausland. Pp. 356. Haarlem: Tjeenk Willink. 1937.

Escarra, Jean. L'honorable paix japonaise. Pp. 238. Paris: Grasset. 1938.

Fleming, Denna Frank. The United States and world organization, 1920–1933. Pp. 569. N.Y.: Columbia Univ. Press. 1938.

Friedrich, Carl J. Foreign policy in the making; the search for a new balance of power. Pp. 296. N.Y.: Norton. 1938.

Frischauer, Willi. Twilight in Vienna; the capital without a country. Pp. 287. Boston: Houghton. 1938.

Haldane, J. B. S. A.R.P. Pp. 286. London: Gollancz. 1938.

Hohn, Heinz. Das Generalsekretariat des Völkerbundes. Pp. 104. Zeulenroda: Sporn. 1938.

Hudson, Manley O. The world court, 1921–1938; a handbook of the permanent court of international justice. 5th ed. Pp. 354. Boston: World Peace Found. 1938.

Jones, F. Elwin. The battle for peace. Pp. 352. London: Gollancz. 1938.

Jordan, Gerhard. Vorrechte und Befreiungen der Konsuln. Pp. 51. Würzburg: Mayr. 1938.

Kaltenbach, F. W. Self-determination, 1919; a study in frontier-making between Germany and Poland. Pp. 150. London: Jarrolds. 1938.

Korostovetz, Vladimir de. Europe in the melting pot. Pp. 320. London: Hutchinson. 1938.

Lansbury, George. My pilgrimage for peace. Pp. 274. N.Y.: Holt. 1938.

Lauterpacht, H., ed. Annual digest of public international law cases, 1931–1932. Pp. 464. London: Butterworth. 1938.

Lienau, Robert A. Stellung und Befugnisse des Präsidenten des Ständigen Internationalen Gerichtshofes. Pp. 147. Berlin: Dt. Zentraldr. 1938.

McNair, A. D. The law of treaties; British practice and opinions. Pp. 608. London: Oxford Univ. Press. 1938.

MacNair, Harley F. The real conflict between China and Japan. Pp. 231. Chicago: Univ. of Chicago Press. 1938.

Maemecke, Robert. Die rechtliche Stellung der britischen Dominien beim Abschluss internationaler Verträge. Pp. 199. Quakenbrück: Trute. 1938.

Mochot, J. Le régime des baies et des golfes en droit international. Pp. 191. Paris: Nizet et Bastard. 1938.

Monchicourt, C. Les Italiens de Tunisie et l'accord Laval-Mussolini de 1935. Pp. 232. Paris: Sirey. 1938.

Monroe, Elizabeth. The Mediterranean in politics. Pp. 269. N.Y.: Oxford Univ. Press. 1938.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Moore, Samuel T. America and the world war. Pp. 314. N.Y.: Blue Ribbon Books. 1938.

Nitti, Francesco. La désagrégation de l'Europe. Pp. 568. Paris: Spes. 1938.

Paillat, M. La radio-télégraphie dans la guerre maritime. Pp. 182. Paris: Chauny et Quinsac. 1938.

Quigley, H. S., and *Blakeslee, G. H.* The far east; an international survey. Pp. 363. Boston: World Peace Found. 1938.

Ridgeway, George L. Merchants of peace; 20 years of business diplomacy through the international chamber of commerce, 1919–1938. Pp. 419. N.Y.: Columbia Univ. Press. 1938.

Royal Institute of International Affairs. The Baltic states. Pp. 194. London: Oxford Univ. Press. 1938.

Sebilleau, Pierre. Le Canada et la doctrine de Monroe. Pp. 219. Paris: Sirey. 1937.

Sellon, Hugh. Europe at the crossroads. Rev. ed. Pp. 288. London: Hutchinson. 1938.

Simon, O. K. Hitler en Espagne. Pp. 265. Paris: Denoël. 1938.

Simpson, Sir John Hope. Refugees; preliminary report of a survey. Pp. 229. London: Royal Inst. of Int. Affairs. 1938.

Strong, Anna Louise. One-fifth of mankind. Pp. 215. N.Y.: Modern Age Books. 1938.

Summers, Harrison B. Anglo-American agreement. Pp. 374. N.Y.: H. W. Wilson. 1938.

Temperley, Harold, and *Penson, Lillian M.*, eds. Foundations of British foreign policy from Pitt (1792) to Salisbury (1902). Pp. 603. London: Cambridge Univ. Press. 1938.

Trotter, Reginald G., and *Others*, eds. Conference on Canadian-American affairs. Pp. 274. Montreal: Ginn. 1937.

Vakil, C. N., and *Maluste, D. N.* Commercial relations between India and Japan. Pp. 223. N.Y.: Longmans. 1938.

Weill, Georges. L'Europe du XIX^e^ siècle et l'idée de nationalité. Pp. 490. Paris: Michel. 1938.

Wertheim, Barbara. The lost British policy. Pp. 127. London: United Editorial. 1938.

Wiegner, Ernst. Der britische Imperialismus. Pp. 258. Zurich: Grütli-Buchdr. 1938.

Wiskemann, Elizabeth. Czechs and Germans. Pp. 299. N.Y.: Oxford Univ. Press. 1938.

Articles

Africa. Rhodesien und die britische Stellung in Afrika. *G. Jantzen.* Monatshefte f. Auswärtige Politik. Sept., 1938.

———. Black Africa tomorrow. *W. E. B. DuBois.* For. Affairs. Oct., 1938.

Aërial Warfare. Bombing British ships. *Sir Francis Lindley.* Nat. Rev. Aug., 1938.

———. A.R.P. puts democracy on trial. Round Table. Sept., 1938.

———. The bombing of harbours and shipping therein. *J. M. Spaight.* Nine. Cent. Sept., 1938.

———. The great unprepared. *L. E. O. Charlton.* Air bombardment. *J. M. Spaight.* Fortnightly. Sept., Oct., 1938.

———. A.R.P. *Malcolm Rosholt.* Current Hist. Oct., 1938.

American Foreign Relations. Les nouvelles tendances de la politique interna-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tionale américaine. *J.-M. Yepes.* Rev. de Droit Int. des Sciences Dipl. et Pol. Apr.–June, 1938.

———. An analytical study of principles of American diplomacy; with an emphasis on their application in China, I. *Stephen C. Y. Pan.* Chinese Soc. and Pol. Sci. Rev. Apr.–June, 1938.

———. La reconnaissance internationale du gouvernement soviétique et ses répercussions sur la jurisprudence américaine. *Jacques Scheftel.* Jour. du Droit Int. May-June, 1938.

———. A year of war; the need for a change in American attitude and action. *Nathaniel Peffer.* What can America do in the far eastern situation? *Hu Shih.* Amerasia. Aug., 1938.

———. Should the United States establish an alliance with Great Britain? *Symposium.* Cong. Digest. Aug.–Sept., 1938.

———. The impossible war with Japan. *George Fielding Eliot.* Am. Mercury. Sept., 1938.

———. America and Mr. Chamberlain's policy. *Frank Darvall.* Fortnightly. Sept., 1938.

———. American foreign policy. *Francis B. Sayre.* Int. Concil. Sept., 1938.

———. America will fight if ——. *Alvin Adey.* Events. Oct., 1938.

———. The choice in foreign policy. *Phoebe Morrison.* Southern Rev. Autumn, 1938.

Armament. Problems of British naval strategy. *Miles.* To be or not to be? *Victor Wallace Germains.* Nat. Rev. Aug., Sept., 1938.

———. Empire security and national service. Round Table. Sept., 1938.

———. Economic consequences of rearmament. *William T. Stone.* For. Policy Rep. Oct. 1, 1938.

Austria. Austria revisited. *Humphrey Loftus.* Nat. Rev. Aug., 1938.

———. Why Austria perished. *Oscar Jászi.* Social Research. Sept., 1938.

Balkans. Bulgaria and the Balkan entente. *S. A. H.* Bull. of Int. News. Aug. 13, 1938.

Blockade. British blockade-runners, 1861–65 and 1936–38. *Sir Charles Oman.* Nine. Cent. Sept., 1938.

British Empire. Australia and New Zealand. *Donald Cowie.* Empire Rev. Aug., 1938.

———. Imperial responsibilities in the West Indies. Round Table. Sept., 1938.

———. The South African danger. *Sir John Harris.* Contemp. Rev. Oct., 1938.

British Foreign Relations. Present trend of British policy. *Taraknath Das.* The price of the Anglo-Italian agreement. *D. Graham Pole.* Modern Rev. July, Aug., 1938.

———. Les efforts britanniques pour la paix internationale. *Y.-M. Goblet.* Rev. Pol. et Parl. Aug., 1938.

———. Isolation. *W. A. Hirst.* Empire Rev. Aug., 1938.

———. The entente—and after. *Sisley Huddleston.* Anglo-German relations, 1898–1899. *H. S. Dittmar.* Contemp. Rev. Sept., 1938.

———. The visit of the British sovereigns to the French people. *Comte de Saint Aulaire.* Nat. Rev. Sept., 1938.

———. Britain and Italy; past and future. Round Table. Sept., 1938.

———. What can England do about Hitler? *Winston Churchill.* Current Hist. Oct., 1938.

———. British policy in the far east. *H. J. Timperley.* Amerasia. Oct., 1938.

———. Britain and the continent; the lessons of history. *Pierre Renouvin.* For. Affairs. Oct., 1938.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Collective Security. Military and strategic advantages of collective security in Europe. *B. H. L. Hart.* Answer to "Miles." *P. F. M. Fellowes.* La guerre moderne et la sécurité collective. *M. Henri Bouché.* New Commonwealth Quar. Sept., 1938.

———. The fading of collective security. *J. H. Harley.* Fortnightly. Sept., 1938.

———. The European situation and collective security. *Viscount Samuel.* Contemp. Rev. Sept., 1938.

Czechoslovakia. Sudeten German claims in Czechoslovakia. *H. L.* The German-Czechoslovak crisis. The Czechoslovak crisis. Bull. of Int. News. July 30, Sept. 10, 24, 1938.

———. Das deutsch-tschechische Problem und die gegenwärtigen Forderungen der sudetendeutschen Volksgruppe. *R. Jung.* Monatshefte f. Auswärtige Politik. Sept., 1938.

———. The Czech crisis. *C. F. Melville* and *Robert Parker.* Fortnightly. Oct., 1938.

———. Prague in peril. *Mary N. Hawes.* Czechoslovakia as victim. The Runciman mission. *George Glasgow.* Contemp. Rev. Oct., 1938.

———. Europe's powerful midget. *Octavia Goodbar.* Current Hist. Oct., 1938.

Danube. The Danubian dilemma. *Rosemary Congreve.* Nat. Rev. Aug., 1937.

Ethiopia. Italy's record in Ethiopia. *Leo Isaacs.* Current Hist. Sept., 1938.

Europe. The shadow over Europe. *D. Graham Pole.* Modern Rev. July, 1938.

———. Balance or predominance in Europe? *Hans Simons.* Social Research. Sept., 1938.

———. The loom of power. *Editor.* Fortnightly. Oct., 1938.

———. Central Europe and the concert of great powers. *R. B. Mowat.* Nine. Cent. Oct., 1938.

———. War by blackmail. *Frederick L. Schuman.* Events. Oct., 1938.

Exterritoriality. La suppression des capitulations en Egypte. *M. Chrétien.* Rev. Gén. de Droit Int. Pub. May–June, 1938.

Far East. The Mongolian situation. *H. St. Clair Smallwood.* Empire Rev. Aug., 1938.

———. The Manchukuo border; Soviet-Japanese clash, I and II. Bull. of Int. News. Aug. 13, 27, 1938.

———. The western powers and the Sino-Japanese conflict. *David H. Popper.* For. Policy Rep. Aug. 1, 1938.

———. Alien land ownership versus open door in China. *Kurt Bloch.* The play of petroleum forces in the far east. *Walter A. Radius.* Far Eastern Survey. Aug. 24, Sept. 7, 1938.

———. Health plans bring new unity to China. *E. H. Hume.* Japan turns back the clock. *J. Clayton Miller.* Observations on fascism in Japan. *T. A. Bisson.* The new Burma-Yunnan highway. *M. R. Norins.* Siberia seals Japan's fate. *Owen Lattimore.* Changkufeng and Russo-Japanese border disputes. *Cyrus H. Peake.* Prospects of continued resistance in China. *Chen Han-seng.* Amerasia. Aug., Sept., Oct., 1938.

———. Balance sheet in China. *William H. Chamberlin.* Current Hist. Sept., 1938.

———. The west in the east. *W. H. Chamberlin.* Fortnightly. Sept., 1938.

———. China and Japan; second year. *Nathaniel Peffer.* Harper's. Sept., 1938.

———. Soviet-Japanese border clash. *G. Nye Steiger.* Events. Sept., 1938.

———. The people behind the Chinese guerrillas. *Haldore Hanson.* To have and to hold. *A British Observer.* Why the Chinese communists support the united front; an interview with Lo Fu. *Nym Wales.* Manchukuo's new economic policy. *Nagaharu Yasuo.* Pacific Affairs. Sept., 1938.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

———. Manchoukuo-Soviet boundary and settlement of border disputes. *Statement by the Japanese Embassy.* Empire Rev. Sept., 1938.

———. One year of war. *T. Kohno.* History repeats itself. *Kikujiro Ishii.* Behind Japan's Anglophobia. *C. N. Spinks.* Fishing in soviet waters. *Shintaro Shindo.* The Netherlands in the east. *T. Haraguchi.* Problems of north China development. *Shintaro Ryn.* Covering the war from Tokyo. *Foreign Correspondent.* A business man visits new China. *Sadaki Fukumoto.* Contemp. Japan. Sept., 1938.

———. The Sino-Japanese war and the open door. *E. A. Ch.-Walden.* Int. Affairs. Sept.–Oct., 1938.

———. Would Japan shut the open door in China? *Nathaniel Peffer.* Indo-China in the path of Japanese expansion. *Alexandre Varenne.* For. Affairs. Oct., 1938.

———. Japan attempts to remap Asia. *William H. Chamberlin.* Yale Rev. Autumn, 1938.

———. Far eastern panorama. *Paul Scheffer.* Va. Quar. Rev. Autumn, 1938.

France. Can France abdicate? *Albert Guérard.* Va. Quar. Rev. Autumn, 1938.

Germany. L'expansion allemande en Europe et l'avenir de la paix. *Paul Combe.* Rev. de Droit Int. des Sciences Dipl. et Pol. Apr.–June, 1938.

———. What would Germany fight with? *Willson Woodside.* Harper's. Sept., 1938.

———. From Frederick the Great to Hitler; the consistency of German aims. *H. Wickham Steed.* Int. Affairs. Sept.–Oct., 1938.

———. Germany's "bleeding frontiers." *Joachim Joesten.* Fortnightly. Oct., 1938.

Hungary. Hungary and the little entente. *E. P.* Bull. of Int. News. Sept. 10, 1938.

———. Hungary and her neighbors. *Sidney B. Fay.* Events. Oct., 1938.

Inter-American Relations. What price good neighbor? *Lawrence Dennis.* Anschluss with Canada? *Richard W. Scott.* Am. Mercury. Oct., 1938.

———. The Americans accept an invitation. *R. E. Alfaro.* The signing of the Bolivian-Paraguayan peace treaty. Bull. Pan Am. Union. Sept., 1938.

———. Development of international coöperation among the health authorities of the American republics. *Hugh S. Cummings.* Am. Jour. of Pub. Health. Oct., 1938.

———. Pan-American coöperation in aëronautics. *James L. Brown.* Jour. of Air Law. July, 1938.

International Labor Organization. Results of international labor conference, June, 1938. *John S. Gambs.* Monthly Labor Rev. Aug., 1938.

———. International labor conference. *Robert J. Watt.* Am. Federationist. Sept., 1938.

———. International labor conference, 1938. *H. B. Butler.* I. L. O. and the shorter week. *Carter Goodrich.* Internationalism of labor. *M. H. Hedges.* Vocational education and the I.L.O. *Ernest Mahaim.* International goodwill and the I.L.O. treaties. *P. J. S. Serrarens.* Am. Labor Legis. Rev. Sept., 1938.

———. The twenty-fourth session of the international labour conference. Int. Labour Rev. Sept., 1938.

International Law. La guerre d'Espagne et le droit. *L. Le Fur.* Essai d'une théorie des sources formelles du droit international. *L. Kopelmanas.* Rev. Droit Int. Jan.–Mar., 1938.

———. Il diritto ed il diritto internazionale. *M. Ghiron.* La fondazione del regno serbo-croato-sloveno. *G. Biscottini.* L'annessione dell'Etiopia nella giurisprudenza, I. *A. P. Sereni.* Riv. di Diritto Int. Jan.–June, 1938.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

———. La guerre civile espagnole et le droit des gens, I. *G. Scelle.* Rev. Gén. de Droit Int. Pub. May–June, 1938.

———. The spirit of international law. *Cordell Hull.* Int. Concil. Sept., 1938.

———. The future of international law. *W. A. Hirst.* Nine. Cent. Oct., 1938.

International Relations. World conference, world domination, or world government? *H. C. E. Zacharias.* Chinese Soc. and Pol. Sci. Rev. Apr.–June, 1938.

———. Obligations. *Patrick Donner.* Nat. Rev. Sept., 1938.

———. Prelude to war. *Frederick L. Schuman.* Events. Sept., 1938.

———. The crisis. *Sir Arthur Willert.* Time and the dictators. *Economist.* Contemp. Rev. Oct., 1938.

International Trade and Finance. La balance des paiements. *Léonard Rist* and *Philippe Schwob.* Le commerce extérieur. *Jean Weiller.* La politique douaniere et les accords commerciaux. *Jean Naudin.* Rev. Écon. Pol. May–June, 1938.

———. Les rapports économiques entre le Congo Belge et l'Allemagne. *G. C. Keim.* Le problème des débouchés a l'époque contemporaine. *A. P. de Mirimonde.* Dumping et concurrence déloyale. *Orval Bennett.* Rev. Écon. Int. July, Aug., 1938.

———. Closing doors against Japan. *Ethel B. Dietrich.* Far Eastern Survey. Aug. 10, 1938.

———. Chinese foreign exchange control. *Choh-Ming Li.* Discussion of a plan for an American loan to industrialize China. *Philip J. Jaffe.* Amerasia. Aug., Sept., 1938.

———. Japan tiptoes around the Monroe doctrine. *Carleton Beals.* Current Hist. Sept., 1938.

———. Exchange stability and unproductive foreign credits. *Johann Baracs.* Social Research. Sept., 1938.

———. An international economic policy. *Lord Marley.* Contemp. Rev. Oct., 1938.

———. The plight of the shipyards. *Sir Archibald Hurd.* Nine. Cent. Oct., 1938.

———. Will world trade revive? *Shelby Cullom Davis.* Events. Oct., 1938.

Italy. Italy and post-war Europe. *Count Sforza.* Fortnightly. Sept., 1938.

Jewry. The Jews of Vienna. *Erasmus.* Contemp. Rev. Oct., 1938.

League of Nations. Sino-Japanese warfare and the league of nations. *Edward S. Rubinow.* The first sanctions experiment; a study of league procedures. *Albert E. Highley.* Geneva Studies. May, July, 1938.

———. Le bilan de la société des nations. *P. Arminjon.* Rev. Pol. et. Parl. Sept., 1938.

———. Conditions of international order. *Earl of Lytton.* Observations on the de facto revision of the covenant. *J. L. Kunz.* New Commonwealth Quar. Sept., 1938.

———. Future of the league of nations. *Indu B. Ghosh.* Modern Rev. Sept., 1938.

Mexico. The Mexican oil dispute. *Charles A. Thomson.* For. Policy Rep. Aug. 15, 1938.

———. Mexican oil in world politics. *William O. Scroggs.* For. Affairs. Oct., 1938.

Minorities. Das innerstaatliche Nationalitätenproblem Estlands. *W. Meder.* Zeitschrift f. Völkerrecht. Vol. 22, no. 2. 1938.

Naval Bases. Bases navales et défense impériale. *A. Reussner.* Rev. Pol. et Parl. Sept., 1938.

Near East. Die Alexandrette-Frage. *C. Oehlrich.* Monatshefte f. Auswärtige Politik. Aug., 1938.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

———. Les problèmes de l'orient méditerranéen. *Edouard Bonnefous.* Rev. Pol. et Parl. Sept., 1938.

Neutrality. Legislating peace. *Allen W. Dulles* and *Hamilton Fish Armstrong.* For. Affairs. Oct., 1938.

Pacific. The strategic geography of oceans. *Miles.* Nat. Rev. Sept., 1938.

Palestine. The Palestine problem. *Izzat Tannous.* Empire Rev. Aug., 1938.

———. A solution for Palestine. *Paul Novick.* Communist. Sept., 1938.

Poland. Poland rides the tiger. *Frank C. Hanighen.* Current Hist. Sept., 1938.

———. Poland, her neighbours and the west. Round Table. Sept., 1938.

———. Poland as a link. *George Adamkiewicz.* Contemp. Rev. Oct., 1938.

Raw Materials. La Belgique, le Congo Belge et le problème international des matières premières. *Fred Van der Linden.* Rev. Écon. Int. July, 1938.

Refugees. Le problème des réfugiés et l'initiative du Président F. D. Roosevelt. *J.-M. Yepes.* Rev. de Droit Int. des Sciences Dipl. et Pol. Apr.–June, 1938.

———. The Evian conference and after. *Norman Bentwich.* Fortnightly. Sept., 1938.

———. The movement of political refugees. Round Table. Sept., 1938.

———. The refugee problem. *Sir John Hope Simpson.* Int. Affairs. Sept.–Oct., 1938.

South America. Totalitarian inroads in Latin America. *Carleton Beals.* For. Affairs. Oct., 1938.

Spain. Franco of Spain. *B. J. Monks.* Catholic World. Sept., 1938.

———. Franco's Spain. *M. C. Nogales.* Fortnightly. Oct., 1938.

Switzerland. Switzerland fights against a new anschluss. *H. A. Friedman.* Contemp. Rev. Sept., 1938.

Treaties. Les réserves dans les traités internationaux. *A. Podesta Costa.* Rev. Droit Int. Jan.–Mar., 1938.

War and Peace. Zur psychologischen Grundlegung des Friedens. *Hans Zbinden.* New Commonwealth Quar. Sept., 1938.

———. The cost of war. *Thomas John Watson.* Int. Concil. Oct., 1938.

———. The offensive still gives victory. *George F. Eliot.* For. Affairs. Oct., 1938.

———. Peace in our time. *Robert C. Binkley.* Va. Quar. Rev. Autumn, 1938.

World War. The meaning of Brest-Litovsk today. *J. W. Wheeler-Bennett.* For. Affairs. Oct., 1938.

JURISPRUDENCE

Books

Duez, Paul. La responsabilité de la puissance publique (en dehors du contrat). Pp. 342. Paris: Dalloz. 1938.

Fink, Arthur E. Causes of crime; biological theories in the United States, 1800–1915. Pp. 320. Phila.: Univ. of Pa. Press. 1938.

Hall, Jerome. Readings in jurisprudence. Pp. 1183. Indianapolis: Bobbs-Merrill. 1938.

Hoerni, Konrad. Das Versammlungsrecht in der Schweiz. Pp. 159. Aarau: Sauerländer. 1938.

Housel, T. W., and *Walser, G. O.* Defending and prosecuting federal criminal cases. Pp. 1213. Buffalo (N.Y.): Dennis & Co. 1938.

Knaut, Walter. Treu und Glauben im Verwaltungsrecht unter Berücksichtigung der zivilrechtlichen Entwicklung. Pp. 97. Düsseldorf: Nolte. 1937.

Kronheim, Kurt. Les conflits de lois en matière de contrat de travail. Pp. 170. Paris: Libr. technique et économique. 1938.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Kümmerling, Karl. Der Sinnwandel des Gesetzbegriffes im national-sozialistischen Staate. Pp. 61. Düsseldorf: Nolte. 1938.

Levy, Beryl H. Cardozo and the frontiers of legal thinking. Pp. 332. N.Y.: Oxford Univ. Press. 1938.

Marmol, C. La réorganisation des sociétés insolvables aux États-Unis; essai de jurisprudence comparative. Pp. 316. Paris: Sirey. 1938.

Nagler, Christoph-Wolfgang. Die Verwaltungsgerichtsbarkeit im nationalsozialistischen Rechtsaufbau. Pp. 78. Gütersloh i. Westf.: Thiele. 1937.

Salisbury, Mark. The English law courts. Pp. 96. London: Foulis. 1938.

Schweers, Wilhelm. Das neue deutsche Gemeinschaftsrecht und die Berechtigung seiner Gliederung in öffentliches Recht und Privatrecht. Pp. 119. Bochum: Pöppinghaus. 1938.

Shientag, Bernard L. The trial of a civil jury action in New York. Pp. 120. N.Y.: Columbia Univ. Press. 1938.

Still, Charles E. Styles in crime. Pp. 366. Phila.: Lippincott. 1938.

Travaux du comité français de droit international privé. 4e année 1936–1937. Pp. 119. Paris: Dalloz. 1938.

Wilkins, Robert N. The spirit of the legal profession. Pp. 186. New Haven (Conn.): Yale Univ. Press. 1938.

Windeyer, W. J. V. Lectures on legal history; Australia. Pp. 295. London: Sweet & Maxwell. 1938.

Windolph, F. Lyman. The country lawyer; essays in democracy. Pp. 166. Phila.: Univ. of Pa. Press. 1938.

Articles

Administration of Justice. Antecedents of the pre-trial plan. *Kenneth M. Johnson.* Summary judgment. *Hilton H. McCabe.* Calif. State Bar Jour. Aug., 1938.

———. Mikado justice in the U.S.A. *James Hargan.* Fortnightly. Sept., 1938.

Air Law. Quelques aspects juridiques de l'emploi de l'aéronef dans les opérations de guerre. *John H. Spencer.* Les perspectives d'avenir du droit privé international aérien. *Raphaël Coquox.* Rev. Gén. de Droit Aérien. Jan.–Mar., 1938.

———. A closed chapter in aëritime law. *E. H. A.* Jour. of Air Law. July, 1938.

Bar. The economic crisis in the legal profession. *Isidor Lazarus.* The lawyer and reorganizations. *William O. Douglas.* The call for a liberal bar. *Robert H. Jackson.* The legal profession and the public. *Lloyd K. Garrison.* Our maleficent legal ethics. *Pierre Crabitès.* Nat. Lawyers' Guild Quar. Dec., 1937, Mar., June, 1938.

———. State bar to carry on public relations work. *Ewell D. Moore.* In defense of the integrated bar. *Stanley M. Reinhaus.* Calif. State Bar Jour. Aug., Sept., 1938.

———. United we stand. *Arthur T. Vanderbilt.* Lawyers and the rights of citizens. *Frank J. Hogan.* The bar's part in the maintenance of American democratic ideals. *Stanley Reed.* Am. Bar Assoc. Jour. Aug., 1938.

Brandeis. Brandeis, architect of the law. *Mathew O. Tobriner.* Calif. State Bar Jour. Aug., 1938.

Cardozo. Benjamin Cardozo; der weise Richter. *Fritz Morstein Marx.* Rev. Int. Théorie Droit. Vol. 12, no. 3. 1938.

Civil Rights. Constitutional and natural rights in 1789 and since. *Morris R. Cohen.* Nat. Lawyers' Guild Quar. Mar., 1938.

———. The right of privacy with relation to photographs. *H. J. E.* Temple Law Quar. July, 1938.

———. Conservatism and civil liberty. *Grenville Clark.* Am. Bar Assoc. Jour. Aug., 1938.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

———. The American civil liberties union. *H. L. Mencken.* Am. Mercury. Oct., 1938.

Conflict of Laws. Chronique législative et jurisprudentielle de droit international privé en Roumanie. *Erwin Em. Antonesco.* Rev. Critique de Droit Int. Apr.–June, 1938.

———. Le projet suisse sur le conflit de lois en matière de cautionnement. *Martin Domke.* Jour. du Droit Int. May–June, 1938.

Coroner. Reforming the coroners. *Gilbert Leslie.* Nine. Cent. Sept., 1938.

Crime. The march on crime. *Richard Hartshorne.* Commonwealth Rev. July, 1938.

———. Newspaper opinion and crime in Boston. *Logan Wilson.* Jour. of Crim. Law and Criminol. July–Aug., 1938.

———. St. Paul wins a war. Cleveland versus the crooks. *Stanley High.* Current Hist. Sept., Oct., 1938.

Criminal Law. La VII[e] conférence internationale pour l'unification du droit pénal. *J. Macqueron.* Les mesures de sûreté dans le projet de révision du code pénal français. *J. Magnol.* L'Egypte Contemp. Mar.–Apr., May, 1938.

———. Reforming soviet criminal law. *John N. Hazard.* Jour. of Crim. Law and Criminol. July–Aug., 1938.

———. Criminal law and practice in Scotland. Police Jour. Oct.–Dec., 1938.

Criminology. Some legislative trends in the field of crime prevention. *R. E. Elwell.* The psychiatric clinic as an aid to the treatment of criminals. *Howard R. Taylor.* Modern trends in criminology. *W. H. Drane Lester.* Commonwealth Rev. July, 1938.

———. Charles Dickens as criminologist. *Paul C. Squires.* A scale of seriousness of crime. *John H. Gorsuch.* Jour. of Crim. Law and Criminol. July–Aug., 1938.

Delinquency. Juvenile problems of the county court. *Earl B. Day.* Commonwealth Rev. July, 1938.

———. Superstitious nature of delinquent and non-delinquent boys. *A. J. Ter Keurst.* Personality traits and conduct of institutionalized delinquents. *A. C. Horsch* and *R. A. Davis.* Jour. of Crim. Law and Criminol. July–Aug., 1938.

Evidence. Shall the common-law rule of wide-open cross-examination be readopted? *Marion P. Betty.* Calif. State Bar Jour. Aug., 1938.

Fingerprints. Should we have universal fingerprinting? A debate. *Lewis J. Valentine* and *Morris L. Ernst.* Forum. Oct., 1938.

Grand Jury. The political and historical development of the grand jury. *M. S. Glaser.* The grand jury. *Francis J. W. Ford.* Law Society Jour. Aug., 1938.

Jurisprudence. A plea for utilitarianism. *Ivor Jennings.* Modern Law Rev. June, 1938.

Law Reform. Reform of the law. *Charles Muir.* Nine. Cent. Oct., 1938.

Legal Education. Law students on law schools. *Samuel Herman.* Nat. Lawyers' Guild Quar. Dec., 1937.

———. Education for the law. *Lord Macmillan.* Am. Bar Assoc. Jour. Aug., 1938.

———. Pre-legal education. *John A. Hadaller.* Calif. State Bar Jour. Sept., 1938.

Legal History. La règle de droit et la loi dans l'antiquité classique. *Vincenzo Arangio-Ruiz.* L'Egypte Contemp. Jan.–Feb., 1938.

Legal Philosophy. La dottrina politico-sociale di Salazar e lo spirito del nuovo stato portoghese. *Marcello Caetano.* Diritto comparato e filosofia del diritto nell' antico pensiero giuridico. *Friedrich Darmstaedter.* Riv. Int. di Filos. del Diritto. July–Oct., 1938.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

———. The sociological place of law *N. S. Timasheff.* Am. Jour. of Sociol. Sept., 1938.

———. Les notions équivoques dans la théorie normative du droit. *Simon Rundstein.* La critique par Kelsen de la théorie de la transformation du droit international en droit interne. *Masao Ichimata.* Strömungen in der modernen niederländischen Rechtsphilosophie. *S. A. van Wien.* Wie ist Rechtswissenschaft weiter möglich? *Max Laserson.* Rev. Int. Théorie Droit. Vol. 12, no. 3. 1938.

Marriage. Marital status and annulment in Pennsylvania. *J. John Lawler.* Univ. of Pittsburgh Law Rev. June, 1938.

Parole. Recent trends in probation and parole legislation. *F. H. Hiller.* Recent problems of the Oregon parole board. *F. L. Utter.* Legislation recommended by the Oregon parole board. *W. L. Gosslin.* Commonwealth Rev. July, 1938.

———. In the name of parole. *Joseph F. Fishman* and *Vee Perlman.* Yale Rev. Autumn, 1938.

Penology. Le problème des travaux forcés en France et de la suppression des peines coloniales. *J. Magnol.* L'Egypte Contemp. Mar.–Apr., 1938.

———. Recent trends in penal treatment with particular reference to Oregon. *James P. Davis.* Commonwealth Rev. July, 1938.

———. The New Zealand prison system. *Edgar C. Baldock.* Jour. of Crim. Law and Criminol. July–Aug., 1938.

———. "They all come out." *Homer Cummings.* Law Society Jour. Aug., 1938.

———. Boondoggling in prison. *Lawrence Lucey.* Catholic World. Sept., 1938.

———. Corporal punishment. *F. Mead.* Nat. Rev. Sept., 1938.

———. America's torture-chamber. *A. M. Turano.* Am. Mercury. Sept., 1938.

Probate. Some changes in the substantive law in the proposed probate code. *Harry W. Fisher.* Probate procedure. *W. D. Vance.* Jour. Bar Assoc. of Kan. Aug. 1938.

Procedure. Reforming federal criminal procedure by use of rule-making power. *Homer S. Cummings.* Conn. Bar Jour. July, 1938.

———. Prejudicial remarks of prosecuting attorneys in the Pennsylvania courts. *T. J. S.* and *G. E. D.* Temple Law Quar. July, 1938.

———. The new federal rules of civil procedure. *T. M. Lillard.* Jour. Bar Assoc. of Kan. Aug., 1938.

———. A task for the rule-making authority of North Carolina. *Frank E. Winslow.* Am. Bar Assoc. Jour. Aug., 1938.

Prosecution. The prosecution of defendants charged with operating a vehicle while under the influence of intoxicating liquor. *R. J. Cunningham.* The Municipality. Aug., 1938.

Racketeering. Rackets and labor; a New York close-up. *George E. Sokolsky.* Atlan. Mo. Sept., 1938.

Tort. The tort liability of charitable institutions. *Olcott D. Smith.* Conn. Bar Jour. July, 1938.

LOCAL GOVERNMENT

Books

Bischoff, Marc A. La police scientifique. Pp. 240. Paris: Payot. 1938.

Boberski, Erhard. Die Stellung des Bürgermeisters nach dem neuen deutschen Gemeinderecht. Pp. 45. Würzburg: Mayr. 1938.

Falk, Herbert. Der Beauftragte der NSDAP in seinem Verhältnis zu den Organen und zur Verwaltung der Gemeinde nach der deutschen Gemeindeordnung vom 30. 1. 1935. Pp. 36. Stuttgart: Knöller. 1938.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Henry, N. B., and *Kerwin, J. G.* Schools and city government. Pp. 115. Chicago: Univ. of Chicago Press. 1938.

Limpus, L. M., and *Leyson, B. W.* This man LaGuardia. Pp. 429. N.Y.: Dutton. 1938.

Moore, Jane. City migration; Swedish data. Pp. 159. Chicago: Univ. of Chicago Press. 1938.

Moriarty, C. C. H. Further questions and answers on police duties. Pp. 76. London: Butterworth. 1938.

Peel, Roy V., ed. Better city government. Pp. 229. (Annals Am. Acad. Pol. and Soc. Sci., Sept., 1938). Phila.: Am. Acad. Pol. & Soc. Sci.

Political almanac, 1938; "the unofficial directory of the city of New York." Pp. 189. N.Y.: Political Almanac Pub. Co. 1938.

Reith, Charles. The police idea; its history and evolution in England in the eighteenth century and after. Pp. 270. London: Oxford Univ. Press. 1938.

Where these rocky bluffs meet; including the story of the Kansas City ten-year plan. Pp. 307. Kansas City (Mo.): Chamber of Commerce. 1938.

Yearbook of the international association of chiefs of police, 1937–38. Pp. 233. Chicago: Pub. Admin. Service. 1938.

Articles

Administration. Administrative reorganization in Wheeling. *John F. Willmott.* Some folklore of executive management. *Herbert Emmerich.* Business principles applicable to public management. *Henry P. Kendall.* Pub. Management. Aug., Sept., Oct., 1938.

———. The selection of city administrative officials. The Municipality. Oct., 1938.

Advertising. Municipal advertising. *Stuart A. MacCorkle.* Tex. Municipalities. Sept., 1938.

Almshouses. A study of Missouri almshouses. *T. C. Pihlblad.* Southwestern Soc. Sci. Quar. Sept., 1938.

———. Effect of social-security program on almshouses. Monthly Labor Rev. Sept., 1938.

Budgeting. Budget systems for small municipalities. *Ray S. Mallow.* The Municipality. Sept., 1938.

Cities. Cities and nationalism. *Eugene Van Cleef.* Scientific Mo. Oct., 1938.

———. Talking of cities. *C. E. Ayres.* Southern Rev. Autumn, 1938.

City Manager. Twenty-five years of a profession. *Lyman S. Moore.* A credo for the city-manager profession. *E. L. Mosley.* What keeps city managers going? Pub. Management. Sept., Oct., 1938.

Cleveland. Cleveland; a city collapses. *Walter Abbott.* Forum. Sept., 1938.

County Government. County and township government in 1937. *Clyde F. Snider.* Am. Pol. Sci. Rev. Oct., 1938.

Finance. Seven safeguards for municipal credit. *Frederick L. Bird.* Am. City. Aug., 1938.

———. An object-lesson in tax sharing; the distribution of public utility tax revenues to municipalities in New Jersey. *Denzel C. Cline.* Jour. of Land and Pub. Util. Econ. Aug., 1938.

———. Stabilizing municipal expenditures for permanent national prosperity. Am. City. Aug., 1938.

———. What do you expect of a municipal finance officer? The value of adequate fiscal procedure. *Hume K. Nowlan.* Municipal implications of delinquent

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

taxes and special assessments. *Nathan Harris.* Minn. Municipalities. Aug., Sept., 1938.

———. Current fiscal problems of cities. *Carl H. Chatters.* Pub. Management. Sept., 1938.

———. The basis of municipal credit. *F. L. Bird.* Minn. Municipalities. Oct., 1938.

Fire Protection. Fire-fighting outside of city limits. *Charles T. Stewart.* Ky. City. Aug.–Sept., 1938.

Health. Municipal planning for medical care. *Fred K. Hoehler.* Pub. Management. Sept., 1938.

Highways. County unit system; a report on some results obtained under county operation of township roads. *P. L. Anderson.* Kan. Govt. Jour. Oct., 1938.

Home Rule. Constitutional amendment no. 2 needed by home rule cities. *C. C. Ludwig.* Minn. Municipalities. Oct., 1938.

Housing. Public housing procedure in a middle-sized city. *Gunnar Mykland.* The Municipality. Aug., 1938.

Japan. The system of grants-in-aid for the adjustment of local finance. *S. Shiomi.* Kyoto Univ. Econ. Rev. July, 1938.

Law. A landmark in municipal law. *Hugh J. Dobbs.* Ill. Mun. Rev. Sept., 1938.

———. Are bonds liens on buildings? Laws and ordinances affecting fire departments. *Albert B. Martin.* Kan. Govt. Jour. Sept., Oct., 1938.

Libraries. The public library under local government. *E. Austin Hinton.* Pub. Admin. Oct., 1938.

Licenses. Administration of regulatory licenses. *C. C. Ludwig.* Pub. Management. Aug., 1938.

Liquor Control. Alcoholic beverage control in Kentucky cities. *James W. Martin.* Ky. City. Aug.–Sept., 1938.

Milwaukee. Milwaukee's "sewer socialist"; the unfinished story of Daniel Webster Hoan. *Lindsay Hoben.* Forum. Oct., 1938.

Municipal Insurance. Insurance costs and practices in Wisconsin municipalities. *Hilliard B. Wilson.* The Municipality. Sept., 1938.

Ordinances. Municipal ordinance codification and revision. *Ambrose Fuller.* Am. City. Oct., 1938.

Paris. The maker of modern Paris. *O. F. Abbott.* Contemp. Rev. Sept., 1938.

Parking Meters. The bureau of standards looks at parking meters. *H. W. Bearce.* Va. Mun. Rev. Aug., 1938.

Personnel. Why have municipal retirement systems? *Israel Rafkind.* The Municipality. Sept., 1938.

———. An employee retirement program for small cities. Western City. Sept., 1938.

Planning. Land reserves for American cities. *H. S. Buttenheim* and *P. H. Cornick.* Jour. of Land and Pub. Util. Econ. Aug., 1938.

———. City planning personnel; a critical analysis. *Arthur L. Shepard.* Nat. Mun. Rev. Sept., 1938.

Police. Who polices the city? *Elton D. Woolpert.* Pub. Management. Aug., 1938.

———. Municipal police departments in Minnesota. *E. G. Conroy.* Minn. Municipalities. Aug., 1938.

———. Juvenile police. *E. W. Lester.* Okla. Mun. Rev. Sept., 1938.

Public Utilities. A regulatory dilemma; limited term franchises, municipal competition and ouster proceedings. *D. L. Marlett.* Jour. of Land and Pub. Util. Econ. Aug., 1938.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

———. Municipal utility efficiency promoted by machine accounting. *Harry M. Monsell.* Am. City. Aug., 1938.

———. Municipal utility regulation in Wisconsin. *Roderick H. Riley.* Pub. Util. Fort. Sept. 1, 1938.

Purchasing. State-municipal coöperation in purchasing. *Stuart A. MacCorkle.* Nat. Mun. Rev. Sept., 1938.

———. Administrative problems in state-municipal purchasing. *Stuart A. MacCorkle.* Purchasing. Sept., 1938.

Recreation. The importance of leadership in recreational planning. *Florence D. Alden.* Recreation. *E. R. Knollin.* Co-recreational planning. *Eva M. Seen.* The park, parkway, and recreational area study. *C. E. Gredier.* Commonwealth Rev. July, 1938.

———. Recreation to the fore in American cities. *Weaver W. Pangburn.* Nat. Mun. Rev. Sept., 1938.

———. Recreation in a changing world. *James E. Rogers.* Am. City. Oct., 1938.

Sanitation. Financing sewage treatment costs. *Albert B. Martin.* Kan. Govt. Jour. Aug., 1938.

———. Chemical coagulation of sewage at Danville, Illinois. *Paul Hansen.* The effect of trade wastes on sewers and treatment works. *Stanley Shupe.* Am. City. Sept., 1938.

Streets. Municipal asphalt paving; trends and construction practice, I and II. *W. R. Macattee.* Brick paving in the United States. Am. City. Sept., Oct., 1938.

———. 46 per cent fewer accidents on Hartford's relighted streets. *R. E. Simpson.* Am. City. Oct., 1938.

Traffic Regulation. Progress in road safety measures. *H. Alker Tripp.* Police Jour. Oct.–Dec., 1938.

Trailers. Regulating house trailers and camps. *Henry C. Klein.* Am. City. Aug., 1938.

Transportation. What's ahead for the transit industry? *Ernest R. Abrams.* Pub. Util. Fort. Sept. 29, 1938.

———. The most awful ride in the world. *Lawrence Bell.* Am. Mercury. Oct., 1938.

Water Supply. Desirable characteristics of a municipal water supply. *Jack J. Hinman, Jr.* Minn. Municipalities. Sept., 1938.

Zoning. Recent progress in the enactment of rural zoning enabling legislation. *Herman Walker, Jr.* Jour. of Land and Pub. Util. Econ. Aug., 1938.

POLITICAL THEORY AND MISCELLANEOUS

Books

Abbott, Grace, ed. The child and the state. Vol. 1. Pp. 702. Chicago: Univ. of Chicago Press. 1938.

Aron, R., and *Others.* Les sciences sociales en France; enseignement et recherche. Pp. 379. Paris: Hartmann. 1937.

Ball, W. M. Press, radio, and world affairs. Pp. 146. N.Y.: Stechert. 1938.

Blair, John M. Seeds of destruction; a study in the functional weaknesses of capitalism. Pp. 437. N.Y.: Covici, Friede. 1938.

Borkenau, F. The communist international. Pp. 442. London: Faber. 1938.

Boucraut, Louis. État, corporation, et entreprise. Pp. 252. Paris: Libr. technique et économique. 1938.

Brailsford, Henry N. Why capitalism means war. London: Gollancz. 1938.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Brinton, Crane. The anatomy of revolution. Pp. 326. N.Y.: Norton. 1938.

Ferras, G. Le progrès technique et le chômage. Pp. 245. Paris: Sirey. 1938.

Gjores, Axel. Coöperation in Sweden. 2nd ed. Manchester: Coöperative Union. 1938.

Hyma, Albert. Christianity and politics; a history of the principles and struggles of church and state. Pp. 331. Phila.: Lippincott. 1938.

Jones, Frederick E. The defence of democracy. Pp. 352. N.Y.: Dutton. 1938.

Kalaw, Maximo M. An introduction to Philippine social science. Pp. 790. Manila: Philippine Educ. Co. 1938.

Loucks, W. N., and *Hoot, J. W.* Comparative economic systems; capitalism, socialism, communism, fascism, coöperation. Pp. 851. N.Y.: Harper. 1938.

Martov, J. The state and the socialist revolution. Pp. 63. N.Y.: Int. Rev. 1938.

Millis, H. A., and *Montgomery, R. E.* Labor's risks and social insurance. Pp. 465. N.Y.: McGraw-Hill. 1938.

Murray, Gilbert. Liberality and civilization. Pp. 94. N.Y.: Macmillan. 1938.

Rappard, William E. The crisis of democracy. Pp. 300. Chicago: Univ. of Chicago Press. 1938.

Roosevelt, Nicholas. A new birth of freedom. Pp. 282. N.Y.: Scribner. 1938.

Thompson, Dorothy. Dorothy Thompson's political guide; a study of American liberalism and its relationship to modern totalitarian states. Pp. 120. N.Y.: Stackpole. 1938.

Articles

Aristotle. Die Wirtschaftslehre des Aristoteles. *Heinz Brauweiler.* Archiv f. Rechts- und Sozialphilosophie. Aug., 1938.

Capitalism. Twilight of capitalism. *Bruce Bliven.* Am. Mercury. Sept., 1938.

Church and State. The constitution and the church. *Thomas Ryan.* Catholic World. Oct., 1938.

———. The free churches and the new authoritarianism. *G. O. Griffith.* The totalitarian state and the churches. *Gertrude Farion.* Contemp. Rev. Sept., Oct., 1938.

Communism. Catholics and communists. *G. M. Godden.* Catholic World. Sept., 1938.

———. Letter to a communist friend. *Wilson Follett.* Atlan. Mo. Oct., 1938.

Coöperatives. Consumers' coöperation in the United States, 1920 to 1936. *Florence E. Parker.* Coöperative associations as employers. Monthly Labor Rev. Aug., Sept., 1938.

Democracy. The assumptions of democracy. *Charles E. Merriam.* Pol. Sci. Quar. Sept., 1938.

———. Hypocritical democracy. *Walter A. Terpenning.* Forum. Sept., 1938.

———. The evolution of democracy. *A. Lawrence Lowell.* For. Affairs. Oct., 1938.

———. A century after Tocqueville. *Matthew Josephson.* Va. Quar. Rev. Autumn, 1938.

Democratic Front. Building the democratic front in Illinois. *Morris Childs.* Problems of the democratic front in the south. *Francis Franklin.* The democratic front moves ahead in New York. *I. Amter.* Communist. Sept., Oct., 1938.

Depression. Our depressions; their causes and cure (cont.). *Alvah L. Stinson.* Law Society Jour. Aug., 1938.

Economic Philosophy. Real wages in the United States and Great Britain. *Lorie Tarshis.* Canadian Jour. of Econ. and Pol. Sci. Aug., 1938.

———. The economic philosophy of Thomas Paine. *Joseph Dorfman.* Moulton's theoretical analysis. *Henry H. Villard.* Pol. Sci. Quar. Sept., 1938.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

———. Jerome Frank's dilemma. *I. F. Stone.* Southern Rev. Autumn, 1938.

Education. Education for work and citizenship. *Donald S. Bridgman.* Yale Rev. Autumn, 1938.

Federalism. The federalism of Karl Marlo and Konstantin Frantz. *Arno Carl Coutinho.* Pol. Sci. Quar. Sept., 1938.

Government and Business. The policy of government storage of foodstuffs and raw materials. *J. M. Keynes.* Econ. Jour. Sept., 1938.

Marx. Karl Marx; la théorie de la paupérisation croissante. *F. Sauvaire-Jourdan.* Rev. Pol. et Parl. Aug., 1938.

———. Can intellectuals be Marxists? *Ernest Boyd.* For. Affairs. Oct., 1938.

Migration. Refugee labor migration to California, 1937. *Paul S. Taylor* and *Edward J. Rowell.* Monthly Labor Rev. Aug., 1938.

Mill. John Stuart Mill and socialism: *H. G. Abel.* Fortnightly. Sept., 1938.

Political Philosophy. Die Forstellung von Staat und von Recht in der Antike. *Dr. Figge.* Archiv f. Rechts- und Sozialphilosophie. Aug., 1938.

———. Society and the individual today; a problem. *Bool Chand.* Modern Rev. Aug., 1938.

———. The taming of power. *Bertrand Russell.* Atlan. Mo. Oct., 1938.

———. Political morality? *Arthur Liebert.* Ethics. Oct., 1938.

———. Organic tendencies in medieval political thought. *Ewart Lewis.* Am. Pol. Sci. Rev. Oct., 1938.

———. Woodrow Wilson und das Selbstbestimmungsrecht der Völker, I. *Kurt O. Rabl.* Zeitschrift gesamte Staatswissenschaft. Vol. 98, no. 4. 1938.

Press. Press agents irritate the press. *Lee Trenholm.* Pub. Opinion Quar. Oct., 1938.

Propaganda. Propaganda bureaus as news services. *Louis Minsky.* Pub. Opinion Quar. Oct., 1938.

Public Opinion. Ferdinand Tönnies's theory of public opinion. *Paul A. Palmer.* The "panel" as a new tool for measuring opinion. *Paul Lazarsfeld* and *Marjorie Fiske.* Business news coverage. *Howard J. Carswell.* Measuring relationships among group opinions. *Ross Stagner.* Annoyances in radio programs. *Gilbert Fraunhar.* News of the far east in U. S. dailies. *Ernest O. Hauser.* Brandeis; moulder of social insurance opinion. *Alpheus T. Mason.* Pub. Opinion Quar. Oct., 1938.

———. What the American people want. *F. S. Wickware.* Harper's. Oct., 1938.

———. The fortune survey, XV. Fortune. Oct., 1938.

Regionalism. American regionalism and the regional sociological society. *J. O. Hertzler.* Am. Sociological Rev. Oct., 1938.

———. The rural region. *H. Morris.* Regional government. *Sir Gwilym Gibbon.* Pub. Admin. Oct., 1938.

Separation of Powers. La separacion de poderes y el sistema judicial. *Pablo Berga.* Rev. Jurid. de la Univ. de Puerto Rico. Sept., 1938.

Social Philosophy. The rôle of ideas in social action. *Talcott Parsons.* Am. Sociological Rev. Oct., 1938.

Social Science. The concept of causality in the physical and social sciences. *Alexander Goldenweiser.* Am. Sociological Rev. Oct., 1938.

Socialized Medicine. Coöperative medicine and the law. *Irving J. Levy* and *Samuel Mermin.* Nat. Lawyers' Guild Quar. June, 1938.

———. The doctors face revolt. *Avis D. Carlson.* Harper's. Sept., 1938.

Taxation. Recent and contemporary theories of progressive taxation. *Elmer D. Fagan.* Jour. of Pol. Econ. Aug., 1938.

Vital Statistics. The analysis of vital statistics, II: Birth and death statistics. *R. R. Kuczynski.* Economica. Aug., 1938.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

GOVERNMENT PUBLICATIONS

MILES O. PRICE

Law Library, Columbia University

AMERICAN

UNITED STATES

Congress

House of representatives. Banking and currency committee. Government ownership of the 12 federal reserve banks, hearings, 75th Congress, 3d session, on H. R. 7230, providing for government ownership of the 12 federal reserve banks, and for other purposes. Washington: Govt. Ptg. Off., 1938. 508 p. 60c.

——— Monetary policy of plenty instead of scarcity, hearings, 75th Congress, 1st and 3d sessions, on H. R. 7188, to provide national monetary policy which will have definite relationship to requirements of domestic industry and trade under conditions imposed by our power economy . . . Washington: Govt. Ptg. Off., 1938. 611 p. 60c.

Senate. Education and labor committee. Collective bargaining guaranties, hearings before subcommittee, 75th Congress, 3d session, on S. 3390, to provide for guaranties of collective bargaining in contracts entered into, and in grant or loan of funds, by United States or any agency thereof . . . Washington: Govt. Ptg. Off., 1938. 191 p. 20c.

——— Violations of free speech and rights of labor, hearings before subcommittee, 75th Congress, 2d session, pursuant to S. Res. 266 (74th Congress), to investigate violations of right of free speech and assembly and interference with right of labor to organize and bargain collectively. Washington: Govt. Ptg. Off., 1938. Pts. 15A–15D (5173–7243 p.).

——— *Foreign relations committee.* Treaties, conventions, international acts, protocols, and agreements between United States and other Powers, 1923–37, compiled by Edward J. Trenwith under resolutions of Senate of May 24, 1937, v. 4, continuing Treaties . . . 1776–1923 to Dec. 31, 1937. Washington: Govt. Ptg. Off., 1938. $1.75. (This completes the well-known "Malloy's Treaties" series.)

Interior Department

Education office. Education and civil service in New York City; by Wallace S. Sayre and Milton Mandell. Washington: Govt. Ptg. Off., 1938. 78 p. 15c.

Labor Department

Labor standards division. Labor legislation conference. Proceedings of Southern regional conference on labor legislation. New Orleans, La., Feb. 14–16, 1938. Washington: Govt. Ptg. Off., 1938. 63 p. 10c.

Library of Congress

Bibliography division. Selected list of references on freedom of speech and the press (supplementary to typewritten list of April 14, 1930); compiled by Grace Hadley Fuller. Washington, 1938. (mim). Free to institutions.

National Emergency Council

Information service. Digest of purposes of current federal agencies. Revised March 15, 1938. (Reprint with additions, 1938.) Washington: Govt. Ptg. Off., 1938. 46 p.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Pan American Union

Project of treaty on the creation of the Association of American nations. Washington, Pan American Union. 1938. 11 p. (mim).

Report of the committee on the relations of the Pan American organs to other entities and on the functions of the Pan American union . . . Washington, Pan American Union, 1938. 9 p. (mim).

Reports and projects on the establishment of the Inter-American court of international justice. Washington, Pan American Union, 1938. 114 p. (mim).

STATE AND TERRITORIAL

CALIFORNIA

Legislative council. Laws on publication of legal notices, 1937. A compilation by the legislative council of the statutes of California requiring the publication of notices, and giving the time, place, and manner of publication. Sacramento, 1937. 270 p. $2.00.

University of California, Berkeley. Studies in the administration of the Indians in New Spain. III. The repartimiento system of native labor in New Spain and Guatemala, by Lesley Byrd Simpson. Berkeley, 1938. 161 p. $1.75.

——— *Bureau of public administration.* Police communication system, by V. A. Leonard. Berkeley, Univ. of Calif. Press, 1938. 589 p. $5.00.

San Francisco. San Francisco's six years of achievement under the new charter. San Francisco, 1938.

GEORGIA

Works progress administration of Georgia. The time element in criminal cases before the Georgia courts. Atlanta, 1938. 31 p. (processed).

HAWAII

University of Hawaii. Problems of Honolulu city and county government. Chief issues disclosed in the process of revising the charter. By Frank K. Midkiff. Honolulu, 1938. 19 p., charts.

ILLINOIS

University of Illinois, Urbana. History of the Armenian question to 1885, by A. O. Sarkissian. Urbana, 1938. 151 p. $1.50. (Illinois studies in the social sciences, v. 22, nos. 3–4.)

INDIANA

State planning board. Proceedings of first annual Indiana state-wide planning conference held at Purdue University . . . Indianapolis, 1938. 106 p. (mim).

KENTUCKY

University of Kentucky, Lexington. Bureau of government research. Government in Kentucky cities . . . by John W. Manning. Lexington, 1937. 24 p., folders, charts (mim).

MASSACHUSETTS

Special commission of communistic, fascist, nazi activities. Report . . . Boston, 1938. 599 p.

MICHIGAN

University of Michigan, Ann Arbor. Bureau of business research. The cost principle in minimum-price regulation, by Herbert F. Taggart. Ann Arbor, 1938. 182 p. (Michigan business studies, vol. viii, no. 3.)

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

NEBRASKA

Legislative council. A study of the revenues and appropriations of the state of Nebraska for the biennium beginning July 1, 1937, and ending June 30, 1939, by Roger V. Shumate. Lincoln, 1938. 42 p. (mim).

NEW HAMPSHIRE

State library. Legislative service. Some notes on the constitution of New Hampshire. Comp. by B. Ruth Jeffries. Concord, 1937. 35 p.

NEW YORK

Commission on the revision of the tax laws. Indexes to reports of the special tax investigation commissions, 1916–1938. Albany, 1938. 579 p.

New Rochelle, N. Y. Charter of the city of New Rochelle, adopted 1929, effective Jan. 1, 1932, amended to March 1, 1938.

——— General ordinances . . . Revised to December 20, 1922. Reprinted with amendments added to April 30, 1938.

New York City, N. Y. Mayor's committee on city planning. East Harlem community study. New York, 1937. 105 p.

——— A. B. C. of city planning. New York, 1938.

OKLAHOMA

Planning and resources board. Division of state planning. Public works planning in Oklahoma. Principles, problems, and results of inventory. Oklahoma City, 1938. 53 p. (mim).

OREGON

University of Oregon, Eugene. Bureau of municipal research. The custody, deposit, and investment of public funds. Eugene, 1938. 12 p. (mim).

PENNSYLVANIA

Constitution commemoration committee, Philadelphia. A dramatization of the federal convention of 1787 prepared by the historical society of Pennsylvania, based upon actual speeches made in the convention and upon other authentic records. Julian P. Boyd, librarian. Philadelphia, 1938. 27 p. (mim).

TENNESSEE

University of Tennessee, Knoxville. An unamended state constitution: the Tennessee constitution of 1870, by William H. Combs. Knoxville, 1938. 514–524 p.

TEXAS

University of Texas. Texas legislature: one house or two, by Joe M. Ray, bureau of public school extracurricular activities. Austin, University of Texas, 1937. 240 p.

WISCONSIN

University of Wisconsin, Madison. A story of public service . . . Edited by Robert Foss with an introduction, the Wisconsin idea, by Professor Edwin E. Witte. Madison, 1938. 60 p.

COUNCIL OF STATE GOVERNMENTS, Chicago, Ill.

Reference list on interstate compacts and interstate coöperation (prepared by Professor W. Brooke Graves of the department of political science at Temple University, Philadelphia, Pa.). Chicago, 1938. 11 p. (mim).

National governmental organizations. (Directory.) Chicago, Public administration clearing house, 1938. 20 p.

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FOREIGN AND INTERNATIONAL

ARGENTINE REPUBLIC

Inter-American conference for the maintenance of peace. Proceedings. (Stenographic reports.) Buenos Aires, December, 1936. Imprenta del Congreso Nacional, 1937. 814 p.

Camara de diputados. El poder legislativo de la nacion Argentina. tomo 1, pt. 2. Buenos Aires, Imp. Nac., 1937. (Part 1 was listed in an earlier issue.)

BULGARIA

Académie bulgare des sciences. Bibliographie des articles de periodiques allemands, anglais, français, et italiens sur la Turquie et la Bulgarie. Sofia, Impr. de la Cour, 1938. 686 p.

CANADA

Parliament. House of commons. Special committee on elections and franchise acts. Second and final report to the House, with minutes of evidence. Ottawa, 1937. 372 p.

COLOMBIA

Procuraduría de la nación. El impuesto de transporte por oleoductos de uso público. Néstor Pineda. Bogotá, Imp. Nac., 1938. 73 p.

GREAT BRITAIN

House of commons. Epitome of the reports from the committees of public accounts, 1857 to 1937. London, H. M. S. O., 1938. 839 p. 12s 6d. ("The work of the Public Accounts Committee of the House of Commons in shaping and formulating a code of administrative practice in accounting for public expenditure during the past 80 years has rarely received the attention from students of the subject-matter it clearly deserves.") H.C. 154, 1937–38.

MEXICO

Legislación del trabajo en los siglos XVI, XVII y XVIII. Relación entre la economia, las artes y los officios en la Nueva España . . . Colaboración del Departamento autónomo del trabajo al segundo congreso nacional de historía, celebrado en Merida, Yucatan, en Noviembere de 1935. Mexico, Talleres Graficos de la Nacion, 1938. 171 p.

The Mexican expropriation law and cases in which it has been applied. Mexico. 1938. 61 p. (Text in Spanish and English.)

SWEDEN

Socialstyrelsen. Social work and legislation in Sweden . . . Second revised English edition. Stockholm, 1938.

LEAGUE OF NATIONS

International assistance to refugees. Note by the secretary-general. Geneva, 1938. 9 p. XII. B. International Bureaux 1938. XII. B. 3.

Ratification of agreements and conventions concluded under the auspices of the League of Nations. 19th list. Geneva, 1938. 139 p. V. Legal. 1938. V. 4.

Committee for communications and transit. Passport system. Replies from governments to the enquiry on the application of the recommendations of the passport conference of 1926. Geneva, 1938. 17 p. VIII. Transit. 1938. VIII. 3.

Permanent mandates commission. Minutes of the thirty-fourth session . . . Geneva, 1938. 250 p. VI. A. Mandates. 1938. VI. A. 1.

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